INQUIRY®

MAGAZINE

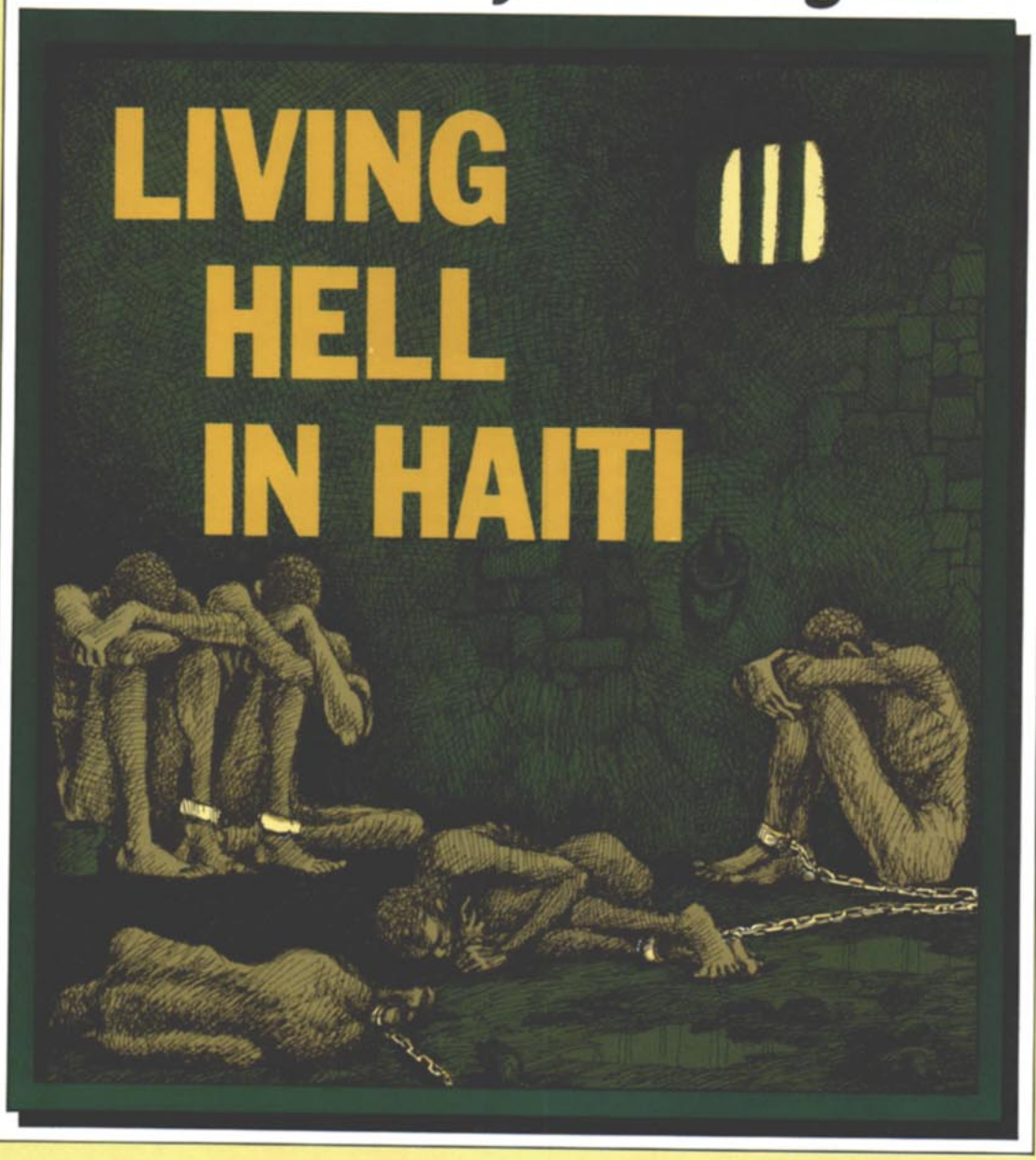
MARCH 3, 1980 • $1.25

An American Eyewitness to Iran's Agony

Fun and Games with the Census Bureau

The Treasury's Uncontrolled Gun Police

Six Years in Baby Doc's Dungeons



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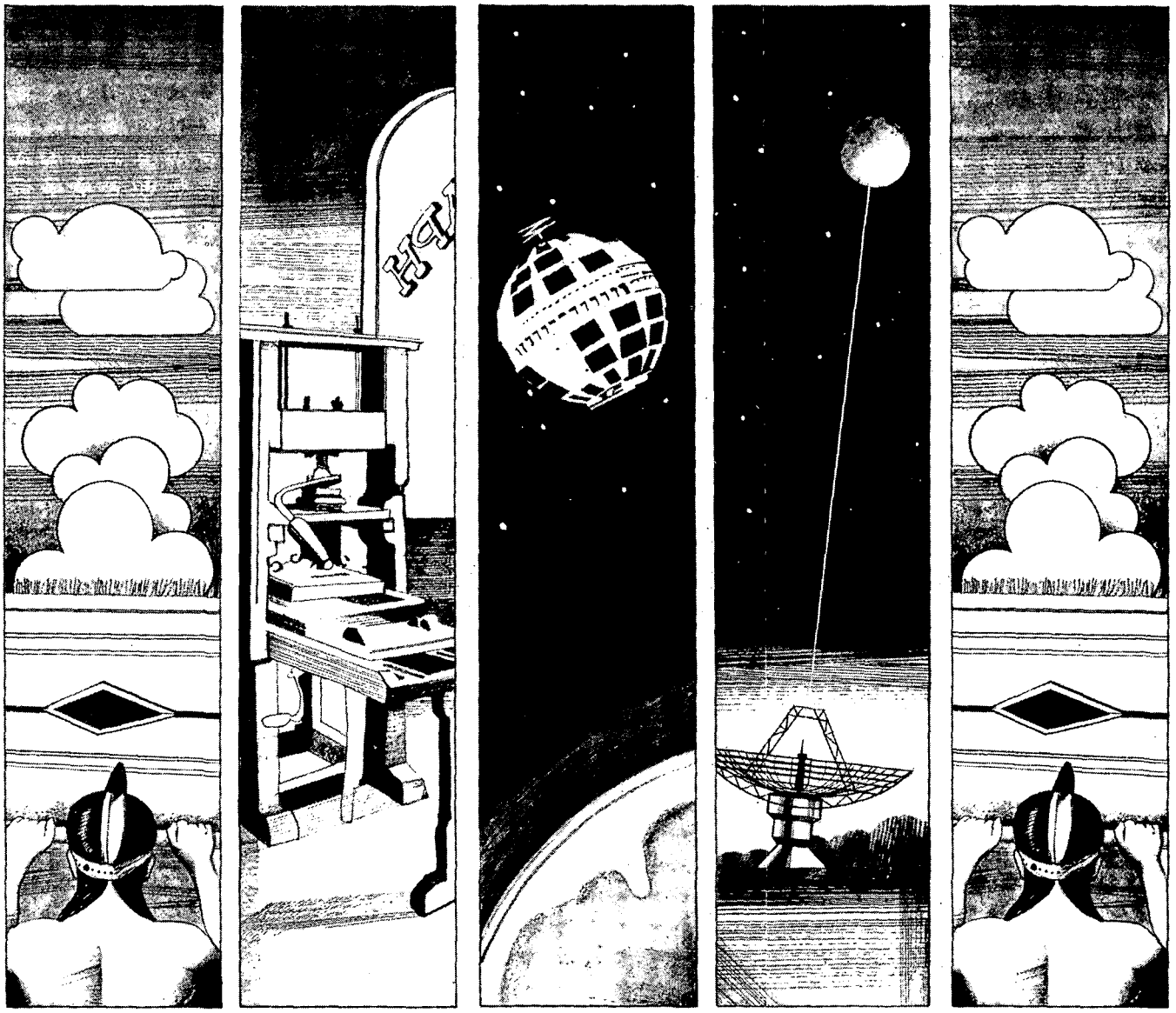

We can't afford to run out of ideas.

How many ideas do you suppose it took to develop human communications from smoke signals that covered a few miles to satellites and laser beams that reach from here to the moon? Most of those ideas came from college-trained minds and college-based laboratories. Now these vital sources of ideas are threatened—by shortages of money that are forcing colleges to curtail programs, reduce faculty, limit laboratory work, cut down on book purchases for libraries. We must not let this deterioration continue. We can't afford to run out of ideas. Or we may all be back to smoke signals again before we realize it.

Make America smarter. Give to the college of your choice.

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MARCH 3, 1980

Living Hell in Haiti

PATRICK LEMOINE with ERICH GOODE **p. 12**

Jean-Claude Duvalier prattles on about "liberal reforms," but a man who survived six years in Duvalier's prisons describes the hideous truth. And on p. 16 Steven Petrow offers an ugly glimpse of American treatment of Haitian refugees.

Counting Heads in 1980

E. SCOTT ROYCE, ART HOPPE **p. 20**

It's census time, and soon we'll be answering questions about how many toilets we have. E. Scott Royce analyzes the head count over the years, and Art Hoppe takes a look at how all this madness got started.

COLUMNS & REVIEWS

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Iran's agony—an eyewitness report. In all the angry rhetoric over the hostages, the victims of the shah's brutality are often overlooked—at least in this country. (*CHARLES A. KIMBALL*)

Politics ..... **p. 9**
America's gun police. Entrapment, unconstitutional search and seizure, and general harassment of the innocent are a way of life at the Bureau of Alcohol, Tobacco and Firearms. (*JOHN LEWIS*)

Books ..... **p. 25**
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Cover illustration by ERKKI ALANEN *Typography by* MACKENZIE-HARRIS AND SOLOTYPE

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A WORD FROM THE PUBLISHER

WHAT A SHORT TIME ago were called "human rights violations" no longer seem to be a very chic concern. In this issue, however, we present a victim's report on how Baby Doc Duvalier treats dissidents down in Haiti. Meanwhile, the world situation continues to heat up. William Safire, in the *New York Times*, has stated, "It's Gulf of Tonkin time again, and unanimity reigns supreme." Well, not quite—see our editorial on the "Carter Doctrine." We also offer two articles on the forthcoming U.S. census, by E. Scott Royce and by humorist Art Hoppe. But given the administration's war policy, it might be a good idea to postpone the census for awhile; in the near future, there may be considerably fewer Americans to be counted. In our next issue, George F. Kennan looks at the Soviet "menace."

RR

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RES PUBLICA

There's always a Cassandra in the crowd

■ One of the places where the Shah almost certainly won't be settling in the near future is the United States. Said one official: "How would you like it if the U.S. mission in Tehran were taken hostage and held in return for the Shah?"

—Newsweek, June 4, 1979

The majesty of the law

■ [Anthony] Sullivan, from Australia, and Richard Adams got a marriage license and were married in Boulder, Colo., in 1975 and later sought permanent immigrant status for Sullivan as the spouse of a citizen.

Meantime, the marriage was declared invalid by the Colorado attorney general's office, which said the county clerk had erred in issuing the license.

Sullivan and Adams had moved to Hollywood, and in late 1975 Sullivan received a letter from the Immigration and Naturalization Service denying him permanent immigrant status.

"You have failed to establish a bona fide marital relationship can exist between faggots," the letter said.

—San Francisco Chronicle, Dec. 18, 1979

Lots of people have a great time in Cleveland

■ Kremlin officials said Friday that Andrei D. Sakharov, banished from Moscow for his dissident activities, will not face criminal charges and will be allowed to continue scientific work in his city of exile.

Tass said Sakharov was not exiled, merely deported from Moscow.

"It would be as if a former Washingtonian found himself in Philadelphia, Baltimore, Boston or, at worst, in Detroit or Cleveland."

—Los Angeles Times, Jan. 26, 1980

In high school they told us to order spaghetti when we were more than two people

■ Any college student should be able to determine how to divide three pizzas among four persons, but on a mathematics placement test, half of Ohio State University's 8000 freshmen could not figure it out mathematically.

—Los Angeles Times, Jan. 14, 1980

I never travel without my blast furnace

■ The Federal Trade Commission has warned advertisers that well-known personalities should use the products they endorse and tell the truth about them.

That goes for athletes, movie stars and other celebrities who hawk beer, bras, bubble gum, chewing tobacco, cereal, tires, perfume, and other products through endorsements and testimonials.

—Miami Herald, Jan. 16, 1980

Scoop

■ The Western, and particularly American, mass media have lately been spreading patently inspired rumors about some kind of "interference" on the part of the Soviet Union in the internal affairs of Afghanistan. They have gone so far as to allege that Soviet "combat units" have been moved into Afghanistan's territory. All this, of course, is pure invention.

—Pravda, Dec. 23, 1979, as reported in the New York Times, Dec. 24, 1979

No one got upset in the sixties

■ Asked why the president Wednesday night left millions of young American women "dangling" over the question of whether they will be required to register for military service for the first time in history, White House press secretary Jody Powell replied:

"You may overemphasize the psychological trauma of filling out a form."

—San Francisco Chronicle, Jan. 25, 1980

The ecstasy of victory

■ General Gnassingbe Eyadema was elected first president of the third Togolese Republic, winning 99.97 percent of the vote in last Sunday's triple poll in the West African country, it was announced here today.

General Eyadema, who staged a coup d'etat in 1967, was the only candidate in the presidential election.

—Washington Post, Jan. 3, 1980

The jails were packed before the law was passed

■ Connecticut law specifically gives beavers the right to build dams.

—San Francisco Chronicle, Jan. 13, 1980

And even after half-time there'd still be two more periods to put the puck in the net

■ [Senator Edward] Kennedy appeared surprisingly chipper Tuesday after his loss in the Iowa caucus—the first defeat in his political life.

"It's a 15-inning fight, and maybe it's the first round," Kennedy told reporters after a rousing campaign speech to the Machinists Union.

—Los Angeles Times, Jan. 23, 1980

Congressional session replayed in courthouse

■ In a move that stunned prosecutors, defense lawyers brought Rep. Daniel Flood (D-Pa.) to court Tuesday—trying to show that the once-powerful congressman's mental state has deteriorated and his memory is all but gone.

For one hour, Flood sat on the witness stand, looking pale and bewildered. He thought the year was 1990, said he could remember little of his bribery trial a year ago and wondered why he was in court in the first place. His psychiatrist has said that Flood appears to be suffering from organic brain disease.

—Los Angeles Times, Jan. 16, 1980

■ Rep. Daniel Flood suddenly perked up at his mental competency hearing Wednesday, remembering details of his first trial and strongly denying charges he took more than $50,000 in payoffs.

"I would not ask anybody to agree to commit an offense against the United States of America," Flood said firmly, leafing through a copy of the indictment charging that he and his former top aide joined in a payoff scheme.

Once he got started, Flood appeared eager to move forward with the cross-examination.

—Miami Herald, Jan. 17, 1980

How do I love thee? Let me count the ways

■ Vietnam, Moscow's major Asian ally, said Jan. 4 that Soviet troops were sent to Afghanistan to help topple President Hafizullah Amin only to protect the communist revolution from outside intervention.

"The Soviet Union responded to the urgent demand of the Afghan people. This is an action of generosity and love to humanity," Radio Hanoi said.

—Southeast Asia Record, Jan. 4, 1980

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Carter's new doctrine

Annexing the Persian Gulf

THE HAWKS AMONG NATIONAL SECURITY professionals are now forthright and explicit about the benefits of the crisis in Afghanistan. Even though the Russians moved into a country on their own border, already largely under Russian influence and on the opposite side of the world from the United States, the Soviet-Afghan border has been transformed into a global tripwire. And for the Carter administration, which can now flex its foreign policy muscles during an election year, Russia's invasion has come at a most opportune time. As one administration official put it, "Afghanistan was a godsend."

In the last year, the United States has increasingly involved itself in nurturing the Arab-Israeli peace process; it has also poured Saudi-financed arms into North Yemen, sent a naval task force to stand off the coast near Iran, and joined Egypt in assisting Morocco's takeover of Western Sahara. In turn, the French aided the overthrow of Bokassa's Central African Empire. And now the Russians have moved in force to consolidate their position in Afghanistan. All these interventions in southwest Asia and north Africa have stirred great-power rivalries; and now the United States is moving briskly to establish a direct presence in the region, thereby staking a claim to control of events.

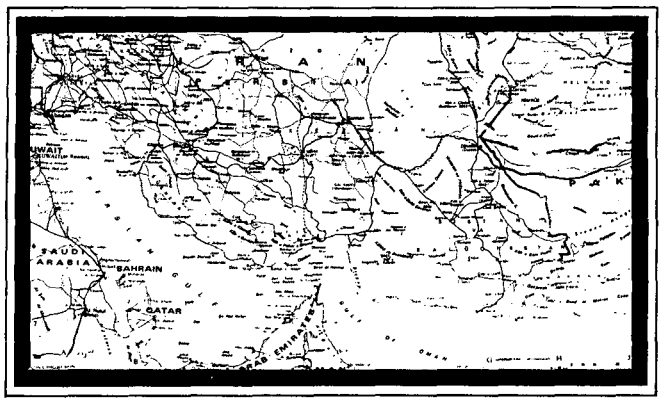
The Carter Doctrine incorporating the Persian Gulf into the U.S. defense perimeter is intentionally designed to replace the Nixon Doctrine, which assigned to regional powers like Iran the role of local policeman. The toppling of the shah doomed the Nixon Doctrine and was a turning point for U.S. strategic thinking. "One lesson that comes out of Iran and Afghanistan is that President Nixon's policy of depending on local powers to provide stability is inadequate," a Pentagon official contends. "We've got to be there ourselves."

The Carter Doctrine is not fundamentally a response to the recent events in Afghanistan; it is really a response to earlier developments. After the fall of the shah, U.S. officials decided that increased American presence and improved capability to move the American military into the region should replace the shah's armed forces in defending the status quo. Defense Secretary Harold Brown was sent on a Middle East tour in February 1979 to signal America's new military commitment. It was then that American policymakers decided to unobtrusively bring the Persian Gulf within America's ambit. When in late February 1979 the civil war in Saudi-allied North Yemen escalated—coincident with South Yemeni seizures of border areas—the United States instantly responded by sending planes, boats, and arms. The President's latest State of the Union address was a bold public formulation of what had been existing policy for the previous eleven months.

Some of the most important details of the Carter Doctrine have been deliberately left clouded in ambiguity. How far does the "Persian Gulf region" stretch? What exactly does Carter have in mind when he talks about "an attempt by any outside force to gain control"? Is North Yemen's civil war the sort of thing over which Carter is ready to launch World War III? Among the region's most volatile elements are ethnic minorities trapped in such countries as Iran and Pakistan by boundaries that mark old limits of conquest and colonialism. Military specialists agree that these and other Gulf countries do not now face a military threat from abroad; instead they face collapse from within. Are we to go to war with the Russians over the rebellion of the Baluchis in Pakistan—a people with whom the Soviet Union had little influence in the past and, after the occupation of Afghanistan, has even less at present?

The Carter administration has stressed that it wants the U.S. guarantee of the Persian Gulf to be informal and consultative. But how does the administration plan to cope with reactions like that of America's ally, Saudi Arabia? Crown Prince Fahd has announced that if America's quick strike force is supposed to guard oil installations in the Gulf, he would rather blow them up than have them in U.S. hands.

Only the Soviets know their full intentions in the Middle East; we can only make judgments based on their actions and the logic of the situation. But Pentagon officials do emphasize that the Russians have made no moves in preparation for an attack on Iran. The oft-cited "motive" of wanting oil—either for Soviet domestic consumption or to prevent Western consumption—does not make sense. Russia remains the world's largest oil producer (12.4 million barrels a day); two recent CIA estimates that the Russians would soon be importing oil would only be valid if the Russians were to have worse winters than usual and if they were never to get rid of certain obsolete technology, which they have, in fact, already replaced. Countries with oil underground (including the Soviet Union and Soviet allies such as Angola) need foreign capital and have every incentive to export their oil. Short of global war, the



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U.S. can count on importing oil from the Persian Gulf.

That those who favor an interventionist foreign policy for the United States have seized upon the Iran and Afghanistan crises should come as no surprise. Those political figures who want the American public to forget the lessons of Vietnam naturally have tried to make use of our worries over empty gas tanks and the peril of the American hostages and of our indignation at Russian empire-building. But nothing in recent events truly diminishes the long-standing case for an American foreign policy of peace and nonintervention.

Boycott bluster

The Olympic weapon

WHEN, IN HIS STATE OF THE Union address, President Carter turned gladly from the confusions of domestic policy to the simple thundering pieties of militarism, bellicose saber rattling, and war hysteria, the sentence that won the greatest applause from the enraptured Congress was the one calling for the moving or boycotting of the Moscow Olympic Games. A seemingly trivial matter—but one which the Carter administration considers the best "punishment" for the Soviets for their incursion into Afghanistan.

Carter and administration officials have carefully avoided any direct threats about how they might seek to block American participation in the Olympics, probably out of fear that naked coercion would raise a public outcry. When an official does slip and suggest that there's an iron hand beneath the velvet glove, the suggestion is always followed by an "Of course, we'd never have to do that."

Deputy Secretary of State Warren Christopher was the first to mention casually that any American athlete who tried to travel to the Soviet Union might find himself without a passport when he tried to get back, but Christopher was certain that sort of thing wouldn't be necessary. Then Attorney General Benjamin Civiletti bragged that he had "a number of options" available for enforcing a boycott. But Civiletti quickly added that it would be "premature" to say what the options were, since surely everyone would participate voluntarily. And White House counsel Lloyd Cutler suggested that if lifting passports wasn't enough, the President could waltz right over to Capitol Hill and get special legislation flatly forbidding anyone to compete in the Olympics. "But I don't think that contingency will arise," Cutler said. For people who don't think these problems will arise, State Department and White House officials certainly spend a lot of time devising solutions.

One of the worst aspects of the twentieth century has been the politicization of every phase of daily life. This boycott campaign is a brutal intrusion of politics into a peaceful and voluntary transnational activity which should be—and *is*, in the Olympic ideal—free of politics. International sports is people collaborating with and peacefully contending with other people. Representative Barry Goldwater, Jr. (R-Calif.), one of the handful of congressmen willing to brave the tide and vote against the Olympic boycott, put it succinctly: "Athletic competition should transcend politics, and I'm not willing to ask our athletes to sacrifice a life-long ambition purely on the politics of the day." The International Olympic Committee (IOC), the world owner of the Olympics, is a strictly private organization, as is the U.S. Olympic Committee; and the funds for the U.S. committee are privately raised. By what right does government step in to control and repress peaceful private activity?

Lord Killanin, the strong-willed Anglo-Irish peer who is president of the IOC, recently pointed out to Robert Kane, the beleaguered head of the U.S. committee, that the IOC doesn't consider the Russians going into Afghanistan any different from the Americans going into Vietnam or the French going into Chad. Killanin maintains that "no political propaganda or commercial propaganda is allowed inside the stadium, but we cannot control what happens outside. This does not mean that I or the IOC are condoning the political action taken by the host country; but if we started to make political judgments, it would be the end of the games."

If invasion of another country is a poor reason for a U.S. government campaign against the Olympics, then equally untenable is the position of this country's right wing—that Moscow should be boycotted, anyway, because Russia is a wicked dictatorship (which it clearly is). But then, of course, it would follow that there are dozens of other countries which similarly qualify for the honor of being boycotted, including the very same Pakistan which has now become another anointed hero of the "free world." On this test, there could never be any Olympic Games at all.

No one says the Olympic Games are perfect. There is already far too much nationalism in them: Victories are accorded to countries as well as to individual athletes, and national anthems are obtrusively played after each event. There is an unfortunate and hypocritical cleaving to the "amateur ideal," an ideal best suited for leisured gentlemen in a pre-capitalist world and one that is necessarily violated continually, especially in the socialist countries. There have already been partial boycotts—like the one aimed at athletes from South Africa.

But the cure for these ills must be less nationalism, not more; less government intrusion, not more. And the cure must come from within the Olympic movement and not be imposed by outside dictation. Lord Killanin himself has long argued for the elimination of national uniforms, flags, and anthems from the games, thereby ending any use of the Olympics as a tool for political propaganda. (Killanin, however, has not exactly covered himself with glory when it comes to depoliticizing the Olympics. He's been instrumental in the IOC's maneuvering to ban the Taiwan team from the winter games unless the team agrees to change its flag and anthem.)

Four years ago, Lord Killanin warned the Soviets that the Moscow games would be cancelled if Russia tried to exclude athletes from countries it disliked, such as China or Israel. It is ironic that Russian conduct in this respect has been exemplary. The Soviets have even announced that they would attend the winter games at Lake Placid, even if the U.S. were to boycott the Moscow games. Propagandists for the American way of life like to state that the United States is in favor of the free movement of peoples while the Russians will let no one in or out of their country. But now it is the United States, the land of the free, that is trying desperately to keep American athletes from travelling to Moscow, to the cheers of Congress and the media. How much tyranny must we endure in the name of freedom?

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LETTERS

Letters to the editor should be addressed to INQUIRY Magazine, 747 Front St., San Francisco, California 94111. The editors reserve the right to edit letters for length when necessary.

Subsidies to all

IN HIS RUSH TO CRITICIZE the Export-Import Bank [Dec. 24, 1979] for its support of dictatorships—a sentiment I share—Nicholas Burnett has unfortunately misrepresented a number of crucial facts, thus giving the impression that communist countries are not among the dictatorships being subsidized by the United States government. Nothing could be further from the truth. Contrary to Burnett's claim that "the provisions of the Jackson-Vanik amendment preclude Eximbank from extending credits to Russia," that amendment in fact merely restricted such credits to a maximum of $300 million over a four-year period. Moreover, Eximbank had already extended $469 million to the Soviet Union for the infamous Kama River truck plant, which is now contributing substantially to the Soviet war machine. And U.S. government credits to other Soviet-bloc countries have long ago surpassed the $2.5 billion mark. The human rights record of these countries does not appear to prevent big business from asking the American taxpayer to subsidize its trade with the communist world.

JULIANA GERAN PILON
Stanford, Calif.

Parents' rights

*YOUR SIMPLISTIC COM-*ments and proposals regarding the Chad Green case [Nov. 26, 1979] will not help parents in similar situations in the future, and could well harm many other children.

In the 1950s a sect somewhat popular here in the eastern Ozarks called the "Radio Church of God" maintained that healing was obtained by clustering around the radio while an appropriate evangelist broadcast the necessary prayers. A few years later I saw the nine-year-old son of parents who were adherents of this church, discovered that he was dying of diabetic acidosis, and with parental permission started him on insulin and saved his life. The family's faith in their church had been somewhat shaken when a few years earlier an older sibling of my patient had died with similar symptoms, which had been treated only by the emanations from the radio.

The radio waves, of course, are just as effective a treatment as is laetrile (and considerably less expensive).

The Green case raises several important questions. Do parents have an absolute right over their children's health and life? Who protects children from fatal decisions made by fanatic or ill parents? Can the state, through its courts, apply a specific treatment protocol? Can the state develop diagnostic criteria and therapeutic recipes that must be applied under force of law? Are physicians who oppose charlatanry and quackery to be sued for "restraint of trade"?

These are significant questions, which should be addressed by responsible journals. Your article, including its trite inference that poor Chad finally died of homesickness for Massachusetts, ignores such issues.

C. W. CHASTAIN, M.D.
Flat River, Mo.

Sex and violence

REGARDING YOUR ARTICLE "The new legions of erotic decency" [Dec. 10, 1979]: Your valuing pictures of women having their nipples sliced off as an instance of "diversity of expression" is like valuing Krupp Industries selling weapons to Nazi concentration camps as an instance of "free market enterprises." Or spending 99.99 percent of your time studying interstellar dust (since humanity is made of an infinitesimally small percentage of the matter in the universe) to avoid an anthropocentric view of science. Pardon my being explicit, but the occasion calls for it: Would you also value pictures of men having their penises sliced up as contributing to "diversity of expression"? You lose credibility when you say such things.

The Women Against Pornography are explicitly against *violence*, and they are painfully aware of the problems you raise in your article. The Harvard group says its purpose is to *educate* people in the hopes they will *privately* boycott such material. They are exercising self-control, unlike most interest groups in our society. I should think it wiser (and more expedient, if your goal is to protect freedom rather than publicly axe-grind) to reinforce them by praising them for their restraint, while pointing out ways they could go wrong if they are not careful. At least they are advocating a libertarian course of action; and in spite of this they have been hounded in the press by people who are "cluster-testing" (pornography and censorship are usually linked, so since they are anti-porn they must be pro-censorship) rather than listening. Or who seem to have general beefs against feminists. Or who are apologists for sexism hiding behind libertarian-type arguments (like the publisher of *INQUIRY*).

LEDA COSMIDES
Cambridge, Mass.

I appreciated Nat Hentoff's article on women and pornography. Some of his arguments concerning pornography were very valid. For me, however, his sly dig at Susan Brownmiller on the lack of statistics (pornography vs. rape) weakened his positive statements against pornography.

Pornography is almost always an act of aggression and violence against women (excluding what the pornography trade so cutely labels "kiddie porn").

Therefore, no statistics exist for the same reason that no statistics exist on wife-beating, police calls due to domestic quarrels, or related violence. That is: Aggression and violence against women are not considered important enough in our man-made society to count.

When Mr. Hentoff has done his homework (he had no statistics, either), perhaps he will write an updated article on pornography. I look forward to it.

MARJORIE WENTWORTH
Flint, Mich.

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DISPATCH

CHARLES A. KIMBALL

Iran's agony—an eyewitness report

I HAVE BEEN CONCERNED with Christian-Muslim relations for a number of years. As an ordained Southern Baptist minister and a doctoral candidate specializing in Islamic studies at Harvard, I welcomed the opportunity to go to Iran on a fact-finding mission with five other clergymen and a professor of Iranian affairs.

Arriving in Tehran on December 24, our group was met by a large contingent of foreign journalists. We read them a brief statement indicating that we were on a fact-finding mission and that we would not be granting interviews during the course of our stay in the Islamic Republic of Iran. One TV correspondent queried, "Don't you want to be on nationwide TV?" I said, "No, we didn't come to Iran to be on American television. We came to talk to Iranians." The reporter, seemingly puzzled, asked, "Why?" I began to understand one of the problems of the current crisis in Iran.

Piling into two taxis, we proceeded through the slums of south Tehran to the cemetery, Behesht Zahra. This cemetery has a special section in which many of the martyrs of the Islamic revolution are buried. We felt it appropriate to begin our stay in Iran with a gesture of respect for those who died in the struggle for freedom.

The graves in Behesht Zahra are marked with flat stone slabs. In the section where the martyrs are buried many graves also have an upright glass-enclosed marker containing quotations from the Koran. Some display photographs of the deceased, others pictures of the Ayatollah Khomeini. Most markers, however, have two photos of the deceased: one a smiling family photograph, one a bloodied corpse.

As I walked among the stone slabs, I read birth and death dates, and I examined the wrenching photographs. On the left side of one marker, I saw the picture of a giggling six-year-old girl. In the middle there was a quotation from the Koran. And, on the right-hand side, there was the same little girl with six or seven bullet holes across her chest. Another marker displayed the high school picture of a well-groomed young man to one side and his battered body, with one leg and a bloody stump, on the other. Multiply these graves by thousands, and you begin to envision the scene.

As we wandered through the cemetery, I saw hundreds of people mourning their dead loved ones, many of whom were under age twenty. Standing in the cemetery in a quiet moment I began to understand something of the anguish and suffering that the Iranian people have sustained.

Our trip to the cemetery was later publicized in the Iranian press. It was a gesture that our hosts appreciated. One man told me that I should "go to Behesht Zahra like those ministers did" if I really wanted to understand the Iranian people. "Finally, someone has heard us," said another man.

On Christmas day we went to Qom to meet with the Ayatollah Khomeini. After we had been introduced individually, Dr. Jimmy Allen, the immediate past-president of the Southern Baptist Convention, read a Christmas message on behalf of the group. After expressing our greeting and an appreciation of the warm hospitality of the ayatollah, he read about Jesus' birth as recorded in the Koran. He went on to share our impression about the martyrs of the revolution. "We are moved deeply by their sacrifice," Allen said. "As Christians, we remember that today we celebrate the birth of Jesus whom we believe gave his life that all might know God's gift of freedom. We also remember, as American Christians, our national experience of sacrifice of life freely given for independence. We join in prayer that the just aspirations for freedom and independence—not only for all peoples of the world but particularly for the Iranian people—be fulfilled, not destroyed, by any force in our nation's name."

Allen expressed our concern over the present crisis and the confinement of our fellow citizens at the embassy, and prayed for mercy and compassion. His remarks, which were written as a group effort, concluded with these words: "We join in lamenting the fact that the ways of men often distort the message revealing the intention of God. Both Christianity and Islam have experienced sad examples of hatred where love is meant to be, and oppression where justice is meant to be. We pray that both the bells of Christian churches and the call from the minarets will join us in summoning people to prayer for restoration of justice in the dealings of nations, for expressions of mercy in dealing with people, and for securing peace for all humanity."

SEATED ON THE FLOOR IN his modest and unpretentious apartment, Khomeini greeted us warmly and commended us for having come during the Christmas season. He said it was good that Christians and Muslims make efforts to better understand one another. He asked us why Christians, following Jesus, who himself stood up for the downtrodden and oppressed, remain silent as the oppressed of the world cry out. Noting our visit to the cemetery, Khomeini said:

"You went to Behesht Zahra and saw some of the martyrs' graves. Wherever you go in Iran you will see such graves. You have not yet seen our handicapped. Everywhere in Iran you will see people who have lost their limbs or have been injured and are deprived of living a normal life. I wish you Christian clergymen could travel to various towns, villages, and hamlets to witness the mark of crime committed by the ex-shah, who was supported by American presidents. Time is lacking for even a partial recounting of what crimes they did to our youths. Suffice it to say that they amputated the limbs of many of our youths,

On one side of the gravestone I saw a picture of a giggling girl; on the other, a bloody corpse.

CHARLES A. KIMBALL, a Southern Baptist minister, is a doctoral candidate at the Harvard Divinity School.

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that they charred or broiled many others, and that they cut off the limbs of many children under the nose of their parents so that they would confess. They did things which are disgraceful to even discuss."

The imam, who talked with us for nearly an hour, challenged us as clergymen to seek the truth about Iran. "Why should the followers of the gospel of the injured Lord Jesus condemn us, and why should they be biased towards acts of cruelty?" Khomeini asked. "Are you not aware of the crimes that have been committed here? Are you not aware who has plundered the wealth of this country? Do you know who subjected this nation to oppression and torture over a period of fifty years and robbed her whole wealth to pay the big powers?

For the next nine days we moved freely in and around Tehran. At all times we determined our own schedules. We adopted a plan "A" and plan "B" approach. We would schedule an appointment with a religious or governmental leader but would have a back-up plan in the event the meeting did not take place. So, for instance, when our first scheduled meeting with Foreign Minister Sadegh Ghotbzadeh was cancelled because he was called to Qom, we simply shifted plans and went to the bazaars to talk to merchants.

During our entire stay there, we never encountered any hostility from the Iranians. I received no hostile glances; I heard no hostile words. We were always treated with graciousness, warmth, and hospitality. This is hard to grasp given

Iranians kept asking me: How can good American people permit such a terrible foreign policy?

"The crimes committed here foul the name and holiness of Jesus Christ in the eyes of the Iranian people. Christian clergymen have a responsibility to rescue Jesus from this entanglement in which your government leaders have brought him. Jesus looks to you, Christian clergymen and scholars."

In a poignant moment, the leader of the Islamic republic concluded his remarks with these words: "May God Almighty save mankind from the evil of people who act against the divine teachings and against the mandate of the kingdom of heaven. And may God Almighty rescue the oppressed from the claws of the oppressors."

ALTHOUGH THE MAJORITY of Americans characterize Khomeini as a lunatic or a religious fanatic, there was nothing in my encounter to substantiate this view. On the contrary, he impressed me as a devout and pious person. Here was a man who had openly opposed the shah for many years. Here was a man who had provided moral leadership for the people of Iran in their struggle against what they saw as the morally bankrupt Pahlavi regime. Sitting less than five feet from this soft-spoken legend, I was saddened by the realization that few Americans had been able to break through the rhetoric and caricatures.

the kinds of Iranian images Americans see on television every night. I was impressed with the capacity of the Iranians to maintain their feelings of warmth for the American people. The most frequent reaction I encountered was one of bewilderment: "How can good American people permit such bad foreign policy?" In my daily interactions with Iranians, I began to appreciate the extent of the brutality which these people faced under the shah—America's "unconditional ally," to use Henry Kissinger's phrase.

While I had heard a great deal about the torture practiced during the Pahlavi regime, I was emotionally unprepared for the kinds of things I saw. People from all walks of life showed me scars from torture and gunshot wounds inflicted by the secret police and the military. Migrants from rural areas related incidents of random, unprovoked helicopter gunship attacks against villages. One person I talked with had witnessed the massacre at Jaleh Square in Tehran, in September 1978. He described how some 3000 to 4000 people were slaughtered in a single afternoon; many of the dead were women and children.

The event which crystallized my understanding of the savagery and terror of the Pahlavi rule was an unscheduled visit to the Officer's Club. Our group was invited to attend a gathering of wounded and torture victims who had been

THE WORST THING THAT CAN HAPPEN TO SOME CHILDREN IS THEIR PARENTS.

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brought to Tehran for medical treatment at government expense. They were undergoing rehabilitation therapy, having artificial limbs fitted, and having plastic surgery done. We were invited to this gathering to hear speeches delivered by a number of people, including some of the victims.

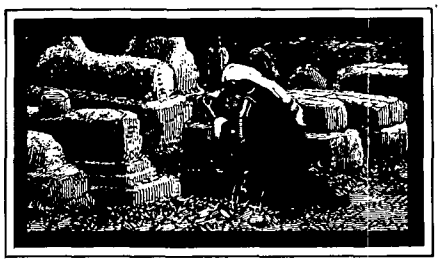
We were given seats in the front of a large ballroom. Some 1500 people were present; the vast majority (many of them children) had been seriously injured. I spent time walking among the people, talking with them about the circumstances of their injuries. How can I convey the feeling I had when talking to a mother whose six-year-old son's arms had been severed at the shoulders? His dismemberment was the means by which SAVAK (the shah's dreaded secret police) sought to extract information from his father, who was forced to witness the event. I talked to a little girl whose eyes were gouged out in the presence of her parents. Another small girl showed me scars on her arms and the inside of her left thigh from multiple burns inflicted with a hot instrument. Others recounted horrifying experiences of being forced to watch daughters and sisters raped repeatedly, and then sometimes beaten to death.

ANOTHER EXPERIENCE which left an indelible impression involved our visit to a private home. We were invited by the family of the late Dr. Kamran Najatollahi to spend the evening of January 1 with them and several of his former colleagues at the Polytechnic Institute in Tehran. Three of his fellow professors who were with him at the time of his death told us about it.

In December 1978 a number of professors at the institute took over a science building to protest the fact that the university had been closed for months. They were unarmed. At 2:00 A.M. on the second day of their peaceful occupation, Najatollahi and two other men went up to the roof for some fresh air. He was shot and killed by a SAVAK sniper. Soon after the slaying, SAVAK and military personnel stormed the building and attacked the professors with clubs, guns, and bayonets. Some professors were dragged off and never seen again. Others, including the three I talked with, were severely beaten.

Najatollahi was a well-known scholar with a promising future. Consequently, many people joined in his funeral procession. The army showed up during the procession, blocking it with armored cars and tanks. Then they began shooting into the crowd with automatic weapons. Six mourners were killed and scores of others wounded.

Hearing this from the parents and friends of the slain professor was overwhelming. At one point Najatollahi's mother said: "Why do I tell you about Dr. Najatollahi? After all, he was only one man among the sixty or eighty thousand who died during the revolution. I



tell you because he was my son. This is our story."

The eyewitness experience of the effects of torture and the personal accounts of brutality corroborated the descriptions we were given in our daily conversations with all types of people. I recall thinking how easy it is for us, as Americans, to talk casually of Iran, the Islamic revolution, and the excesses of the shah, without sensing the magnitude of the horror that the Iranian people had endured. Sitting comfortably in Boston and reflecting on events halfway around the world is very different from looking into the eyes of a torture victim who is asking, "Why were you silent?"

On the last night of our stay in Iran, our group was invited to the U.S. embassy compound for conversations with the students. The hours of dialogue were frank and engaging. Three students, two men and the woman known as "sister Mary," served as the primary spokesmen. Another fifteen or so joined in during the evening.

There was an openness and a willingness both to hear and to share perspectives on different aspects of the total situation in Iran. I found the students to be intelligent, articulate, and insightful. Their political sophistication was striking. They were also well-informed on and anxious to discuss their faith as Muslims. I asked, "As Muslims, you are obliged to protect the foreigner in your midst. How do you reconcile your commitment to hospitality with the holding of innocent people?" They expressed concern for the American hostages. We discussed the ways in which their emotional, physical, medical, and spiritual needs were being met. The students assured us that they were doing everything possible to make the "inconvenience of being confined as comfortable as possible."

They admitted that they were not happy that some innocent people were being held. However, it had become a question of means and ends. "When you beat your head against the wall for twenty-five years and no one pays any attention, you finally reach a point of desperation," one student said.

Recognizing that the admission of the shah to the United States was an affront to the people of Iran, we asked why it was necessary to take vengeance against innocent American citizens. "We perceive the admission of the shah into the U.S. not only as an insult to the dignity of Iranian people, but as a real potential threat to the security and welfare of our nation," a student answered. They pointed out that thousands of former government, military, and secret police fled during the time of the revolution. Many of these people at present reside in the United States and Great Britain. Moreover, they left with billions of dollars. "We know that many of those who fled are now organizing so that they might return to power in Iran," said one student. "We have paid a great price for our freedom; we fear that we may pay it again."

One member of our group asked: "Surely you don't think the United States would try and reinstate the shah?" The answer came back: "Nor did we expect that the United States would aid in the overthrow of a constitutionally-elected democratic government to reinstate the shah, as it did in 1953. We have no reason to trust you; you have never recognized the legitimacy of the Islamic Republic of Iran. All you have done is admit your old friend the shah. Your government has communicated that it still considers the ex-shah its friend and unconditional ally. We would be foolish not to be very suspicious."

Having returned to the United States, I am asked frequently, "How do we break this deadlock? Where do we go from here?" To be sure, there are no easy answers or simple solutions. The situation is complex and multifaceted. At the present time there is a lot of shouting on both sides. The political rhetoric is running wild. I came home convinced that the American people must come to understand more fully the anguish which Iran has experienced if we are to achieve a framework for future cooperation. The process may be slow. Patience and empathetic understanding are surely required. ❑

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POLITICS

JOHN LEWIS

America's gun police

IN JUNE OF 1971 KEN BALlew was living in Silver Spring, Maryland. He was a former military policeman, and he owned a small collection of firearms and other military paraphernalia, all legal.

In May of 1971 an agent of the Bureau of Alcohol, Tobacco and Firearms (BATF) received a secondhand tip from a local county police officer. An informant had reported that Ken Ballew possessed hand grenades in his home—an apartment in a high-crime, predominantly black area of Silver Spring. Based on this information and on some imaginative allegations that gunshots had been heard "in the vicinity" of Ballew's address, a warrant was issued to search his residence.

Probable cause, the legal requirement for the issuance of a search warrant, did not exist. It was only because of insinuations about the neighborhood in which Ballew lived that a warrant was issued at all. Indeed, a local civil rights group was later to complain that "Ballew, even though he is white, was the victim of a racist police attitude—to live in that neighborhood is to be suspect."

At 8:30 P.M. on June 7, BATF agents and Montgomery County police surrounded Ballew's apartment. Inside, Ballew was in the bathtub. His wife, Saraluise, was in the next room, partially undressed. She was understandably reluctant to open the back door when several scruffy men wearing sweatshirts pounded on it and demanded entrance. Her reluctance was to little avail—the agents utilized an eighty-five pound battering ram to enter the apartment. As the door crashed in, Saraluise screamed for Ballew, who stepped out of the bathtub and armed himself with an antique handgun.

As he entered the room, he was fired at by a BATF agent, then by two of the local officers. A third officer then entered; his shots hit Ballew in the head. Ballew survived, but today is paralyzed and confined to a wheelchair.

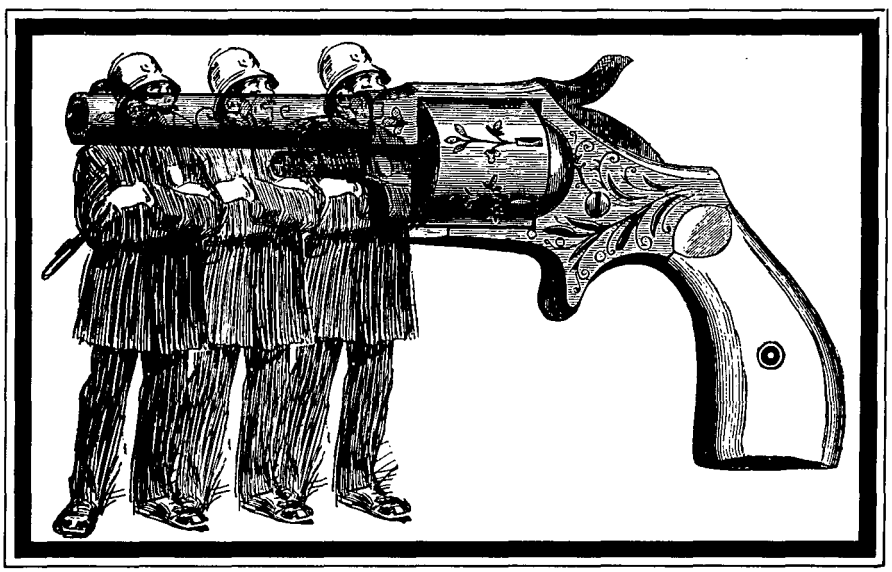
Following the raid, the local federal attorney stated that the agents "did nothing extraordinary, nothing reckless, nothing culpable, nothing wrong." Secretary of the Treasury John Connally released a four-paragraph statement pronouncing the actions of his department's agents "legally proper under the circumstances," and issued a thirty-one-page report on the raid that could have taught Tom Sawyer a lot about whitewash.

The Ken Ballew incident is merely one—albeit the most notorious—of a long series of ugly incidents involving the Bureau of Alcohol, Tobacco and Firearms, an agency that ranks close behind the Justice Department's Drug Enforcement Administration as a "rogue" agency, operating without check and well beyond the pale of accepted police practice. The BATF engages in entrapment, unconstitutional search and seizure, and general harassment of those who are committing no crime and who have no intention of doing so. For sheer Keystone-cop buffoonery, few law enforcement agencies can match the BATF, two of whose agents—one posing as an illegal dealer and the other as an illegal buyer—attempted to arrest one another at a Nashville gun show in March 1978. Unfortunately, the innocent are more frequently drawn into such charades.

Remarkably, the bureau's nefarious activities have gone almost wholly unnoticed by Congress, the press, and civil libertarians, who turn a deaf ear when civil liberties violations are committed by an agency enforcing gun control laws. The same actions by the FBI or the DEA would have produced calls for reform years earlier.

Virtually the only impetus for reform has come from the gun lobby. The largest and oldest of the pro-gun groups, the National Rifle Association (NRA), has called repeatedly for congressional hearings to investigate the BATF. And early in 1978, the Second Amendment Foundation, a legal aid institute, set up its own task force to investigate BATF enforcement policies.

As a result of pressure from the NRA, coupled with substantial, damning evidence assembled in the course of the Second Amendment Foundation investigation, a subcommittee of the Senate Appropriations Committee eventually consented to hold oversight hearings on the BATF. The hearings were held on July 11 and 12, 1979 and were chaired by Senator Dennis DeConcini (D-Ariz.), who initially characterized himself as a "friend" of the BATF.



By the end of the first day of hearings, DeConcini was reconsidering his position. On the morning of July 12, he announced that he was "shocked by yesterday's testimony. The problem appears much greater in scope and more acute in intensity than I had ever imagined. It is a sobering experience to listen to average, law-abiding citizens presenting evidence of conduct by an official law enforcement agency of the federal government which borders on criminality. [The testimony] paints the picture of a law enforcement agency that has for all

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practical purposes abandoned its obligation to protect the rights of American citizens."

ALTHOUGH THE MASS media have continued to ignore this example of federal law enforcement run amok, the two days of hearings did put important facts on the record and became a launching pad for the introduction of legislation designed to curb some of the bureau's excesses.

Senator James McClure (R-Id.), sponsor of the Federal Firearms Bill of 1979, says that the proposed law would amend "those provisions of the Gun Control Act of 1968 which have led to the greatest abuses of individual civil liberties," and would address the major areas of complaint about the BATF.

The first of these is entrapment: The keepers of the law incite others to break it, then arrest them for a "crime," such as being "engaged in the business" of dealing in firearms without a license. BATF agents, like their brethren in the IRS, are quite willing to offer legal advice to anyone willing to ask. Their guidance, however, may well lead a citizen to perform acts the bureau knows will result in arrest and possible conviction.

As a former BATF agent from the Montana regional office told the Second Amendment Foundation task force, "It was a . . . common joke that whenever a gun owner telephoned our office inquiring about . . . how he could comply with BATF regulations . . . agents would provide false answers to the inquiries, ask who they were, and then set them up in entrapment situations to arrest them for illegal selling of firearms."

When gun owners phoned in for advice, agents lied to them–then arrested them for violations.

Substantial numbers of honest gun owners have been ensnared through such perfidy. In good faith they sought the advice of the BATF; and instead of being guided away from legal violations, they became an easy mark for an agent with an arrest quota to fill. As holds true with the IRS, to plead that one was following the advice of the arresting agency is no defense.

During the Senate hearings, Assistant Secretary of the Treasury Richard J. Davis attempted to portray the testimony of the witnesses as isolated cases—mere examples of resentment against those who enforce the law. The NRA had anticipated this strategem and had arranged for testimony by Vernon Acree, a former U.S. customs commissioner who was called the "dean of Treasury law enforcement" at the time of his retirement from that post. Acree is now vice-president of a private investigation firm, which the NRA had commissioned to investigate every BATF prosecution filed in the Maryland and Virginia federal districts over a two-year period. He testified that, in his opinion, the BATF is more concerned with building an arrest record than with actually cutting crime. The bureau's activity, according to Acree, "smacks of a statistical rat-race kind of operation. . . . In my judgment [75 to 80 percent of these] individuals would not have fallen into the hands of the law, had they not been enticed, finagled, and encouraged to violate some provision of the law which they were totally unfamiliar with."

BATF publications state that persons who sell, say, four to six firearms a year but are not "engaged in the business" do not need a license; and the bureau has a quasi-official policy of not granting licenses to people who wish to sell only a few guns, even if the seller wishes to obtain a license. Dealers who have made *too few* sales, say, four to six a year, have had their licenses revoked. The BATF position is that small numbers of sales do not warrant issuance of a license, and such sellers may not obtain them.

As for the bureau's claim that it really is permissible for an unlicensed individual to sell several firearms legally, DeConcini introduced a BATF memo obtained by the NRA that suggested that "a single sale or act may constitute engaging in the business."

McClure's proposed legislation specifically defines "dealer," a definition which the bureau has, until recently, been unwilling to make. The bill specifies that a dealer is one "whose time, attention, and labor is occupied by dealing in firearms as a regular course of trade or business, with the principal objective of livelihood and profit, through the repetitive purchase and resale of an inventory of firearms." To block further use of ambiguity here for entrapment purposes, the bill states that "the term shall not include a person who makes occasional sales, exchanges, or purchases of firearms, or who sells all or part of his personal collection of firearms."

Perhaps to head off these legislative developments, the BATF has now published a request in the *Federal Register* for public comment "on how the phrase 'engaged in the business' should be defined."

A SECOND PROVISION OF McClure's reform bill is the requirement that there be reasonable grounds for search of a federally-licensed dealer's premises before they may be entered to inspect records and inventory.

In the area of search and entry, the BATF has long had certain privileges not enjoyed by other law enforcement agencies. Although the Fourth Amendment to the Constitution normally requires that searches be based upon both probable cause and a warrant, there are a number of traditional exceptions to this requirement. One major exception is administrative searches. Relying on this

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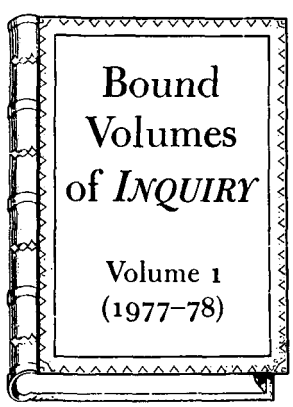

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Congress fights back

The original impetus for BATF reform was not the July 1979 hearings but another set in March 1978. The BATF had proposed regulations that would have required all firearms to bear a unique, fourteen-digit serial number to be stored in a central computer. The bureau was unable to prove that current serial numbers are not adequate for rapid firearms tracing, or that the centralization of such records would have any affirmative value to law enforcement agencies. A number of congressmen suggested that the bureau was attempting to establish its own system of centralized firearm registration, in direct contravention of the 1968 Gun Control Act.

As much from pique at having the Treasury department usurping legislative prerogatives as from concern over the actions of the BATF, Congress passed a resolution disapproving the bureau's proposed regulations. To ensure that the plan would not be carried out, Congress also cut $4.2 million from the bureau's 1979 budget—the exact amount that the BATF administration estimated the project would cost.

As a defensive measure, this approach was effective. It combined careful scrutiny of the bureau and its plans with fiscal action in those areas which appeared of questionable value. But it was only with the 1979 hearings and the McClure bill that an affirmative approach to reform has been taken. —*J.L.*

exception, the 1968 Gun Control Act says that agents of the Treasury "may enter during business hours the premises of any firearms . . . dealer for the purpose of examining or inspecting (1) any records or documents required to be kept . . . and (2) any firearms or ammunition kept or stored. . . ." In 1972 the Supreme Court ruled that such searches are indeed permissible while enforcing the Gun Control Act.

Although in 1978, the Court did acknowledge that there are limits to what may be done during an administrative search, it specifically excluded gun dealers from these protections. In the case of *Marshall* v. *Barlow's*, the Court held that administrative searches under the Occupational Safety and Health Act could not be conducted without warrants. The Court specified, however, that "certain industries have such a history of government oversight that no reasonable expectation of privacy could exist for a proprietor. . . . Liquor and firearms are *industries of this type. . . .*"

Indeed, the ability of BATF agents to demand entrance to a dealer's business is generally put up with by dealers, and occasions much less complaint than the specific actions of the agents once they are in the shop. One dealer reported to the Second Amendment Foundation's task force that his shop had been "inspected" on five successive days, with flashings of badges and announcements of purpose which frightened off his customers. This unusual series of visits occurred shortly after the dealer refused to go along with a request by BATF agents that he induce a felon to purchase a firearm.

A similar operation on a larger scale occurred in July 1974, at a large sporting goods store in Arizona. Employees were searched, and customers were required to show identification before they could leave. Since no arrests were made and only a routine records inspection conducted, it must be assumed that the "raid" was conducted as a public relations ploy designed to provide copy for the press.

A dealer who refused to aid in an entrapment scheme had his shop inspected five days in a row.

Although passage of McClure's reform act will not necessarily prevent further episodes of questionable searches and raids—a warrant had been issued for the search of Ken Ballew's home—it will make it more difficult for the bureau to use escalated records inspections to grandstand for the press and congressional appropriations committees.

A THIRD MAJOR COMPLAINT about the BATF is that it commonly raids licensed dealers or collectors and confiscates their entire inventories or collections, even if only one or two firearms are involved in an alleged violation. To make matters worse, the bureau often declines to return the confiscated weapons, even in the event of acquittal. Because the BATF originated as a tax agency, it can administratively confiscate property, ostensibly to compensate the government for lost tax revenues. (It is worth noting though that the only revenue lost to the government in a dealing-without-a-license case is the $10 license fee.) The McClure bill would allow the BATF to seize only those firearms directly involved in an alleged violation and would require the agency to return the guns if the dealer or collector is acquitted or if charges are dropped.

Finally, to guard against unanticipated future abuses, the McClure bill establishes a more effective system of public oversight of the bureau by requiring a ninety-day public comment period on any proposed firearms rule. The bill also provides for legislative veto of any such regulation. It currently has forty-one cosponsors, and support for a House version is growing.

Yet, even with reform legislation and constant scrutiny, the "short leash" approach is not going to solve the problem of an arrogant agency which views itself as an independent kingdom able to make and enforce its own law, without answering to Congress, its victims, or anyone else.

The BATF feels free to invade private lives for two reasons: First, it is an agency of the Treasury, which traditionally invades private lives. More specifically, the bureau's mandate is the 1968 Gun Control Act. Regulating guns means regulating citizens (and spending less time on criminals).

Within the BATF lies the seed of a classic police state. Officials dedicated to the application of police force have the political power to decide where and against whom that force will be applied. Whenever controlling the citizenry is the purpose of an agency, its regulation will inevitably evolve from the benign to the malignant. The need to curb the BATF is real, and we all stand to lose if the job is not done effectively.

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LIVING HELL IN HAITI

By PATRICK LEMOINE with ERICH GOODE

Jean-Claude Duvalier's lies about liberal reform and human rights may have fooled the American government. But those of us who rotted in his dungeons know better.

IT LOOKED LIKE THE MOVIE SET OF A POLICE interrogation: a stark, bare room containing only a desk, two hanging lamps, and a swivel chair. I was shoved against a wall and frisked. "This is the man," my captor said. Behind the desk sat Lieutenant Julien, a brooding, menacing figure. He ordered me to sit in the swivel chair. Taking a piece of paper from the desk, and snatching a pen from my pocket, Julien began the questioning: my name, date of birth, marital status—and whether I was carrying cash. His eyes lit up when I told him that I had a thousand Haitian gourdes, about $250 American. He counted the large bills, slipped them into an envelope, and pocketed the small denominations. He confiscated my watch, briefcase, and car keys; and then Julien left the room.

I glanced around the room. A shuttered window kept out the daylight. Against one wall I saw a pile of sticks and rawhide whips. The soldier on guard ordered me to look straight ahead; I must have been staring at the weapons. I wondered which one they were going to use on me. I thought about my 29-day-old son; I realized that I had not yet embraced him, held him in my arms, welcomed him into this world. Bitter gall filled my heart.

The soldier left the room; for a moment I was alone. Suddenly another one burst into the room and screamed at me: "Why are you sitting down? You must stand up!" Rising, I explained that I had been ordered to sit. He began to insult me for not knowing how to behave properly. "You don't know where you are, do you," he sneered. "You will. You will." Facing the wall, I glanced at the floor. It was covered with dried bloodstains.

How had it happened? Why was I here in the first place? What had I done?

* * *

December 19, 1971—my 26th birthday and my first wedding anniversary. My wife and I were having a party; we had invited a large gathering of friends and relatives. By the time the party got under way, I became aware that Addy Seraphin, a close friend, was missing. "Where's Addy?" I kept thinking. He never showed up.

The next day I drove to the airport to accept a shipment of electronic parts for the factory I was managing. I bumped into a friend at the Air France counter. "Addy's been arrested," he said, grimly. "What for?" I asked, stunned. He wasn't sure, but the rumor was that Addy had been caught handling contraband at the airport.

I left the airport for my office, chain-smoking nervously, heart pounding. I tried not to panic. The Haitian reality was that only the poor and underprivileged are arrested for ordinary criminal offenses. When an affluent Haitian like myself is arrested, it is almost always political. I combed through my house for any political material that might be lying around. A few years back the police, while conducting their crusade against communism, searched a house and found a book with the word "anti-communist" in the title; they actually arrested the entire family for being communists.

My paranoia multiplied a few days later when I noticed a car with official plates following me wherever I went. We played cat-and-mouse for a week. And then I learned the bad news: Addy had been accused of taking part in a plot to overthrow the Duvalier government; he had been taken to Fort Dimanche, the prison from which almost no one is ever

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released. Addy was as good as dead. I knew that my turn was next. It was clearly time for me to withdraw from circulation.

At 8:30 A.M. on December 29, my wife and I left our house in separate cars. She was driving to work; I had a vague scheme to skip the country, perhaps fleeing to Puerto Rico. I told my wife nothing for fear she would panic and do something foolish. I drove only a short distance before I was waved down by a man standing next to a car full of government officials. He put a gun to my head and said I wasn't under arrest—the police just wanted to ask me a few questions. I begged him to let me catch up to my wife and tell her I'd be detained a bit. He agreed, but told me if I put my hands in my pockets for anything, he'd blow my brains all over the road. My wife asked if I had any money—lots of Haitians arrested carrying less than I had have been killed and robbed by the police—but I had to explain that my pockets were off-limits. We waved goodbye; "I'll be home real soon," I said, and, incredibly, I believed it.

* * *

They took me to the Cassernes Dessalines prison, to Lieutenant Julien's interrogation room. I had been standing in the interrogation room all day; a soldier, with bayonet drawn, stood at attention at the door. Night fell, and still I stood. Seven o'clock, eight o'clock, then nine. Weak, limp, my whole body in pain, I collapsed onto the floor. The soldier rushed into the room, screaming at me; he ordered me to remain standing. He threatened me with a savage beating if I refused. Lieutenant Julien ran into the room, demanding to know what all the commotion was about. I got up slowly, sat on the bench, and weakly explained that I couldn't stand any longer. "I've been here the whole day," I said, "and no one has even told me why I'm here." Julien responded by confiscating my wedding ring and handcuffing me. He said that I could use the bench for a bed. I looked at it; it was ten inches wide and swarming with bedbugs.

Little did I know that this room was to be my home for almost two weeks—from December 29, 1971, to January 10, 1972. Daily, I could hear men in adjoining rooms being beaten, screaming from pain, begging for mercy. I awaited my fate.

Why had they arrested me? What had I done? Why me?

I was interrogated several times. I was accused of plotting against the government, against the Duvalier regime. In this scheme I was supposedly in league with my friend Addy. I was a communist, they said. I was seeking a local operative to train opponents of the regime. I had contacted and communicated with the Haitian opposition during my recent trip to New York. None of these accusations was true; I was baffled as to how a citizen like myself could get entangled in a nightmare like this.

It was many years later that I was able to piece the story together.

ONE DAY, ABOUT SIX MONTHS BEFORE our arrest, Addy's friend Marcus, while a trifle intoxicated, reportedly told a friend that he knew of a plot to overthrow Duvalier. Unfortunately, he was not aware that this friend was a government undercover agent. Naturally, the agent was quite interested and pressed for the details. And Addy became the central figure in this alleged plot. The truth was far less spectacular: Once, in a casual conversation, Addy mentioned that it would be quite possible to assassinate Duvalier, since he was much less heavily guarded than "Papa Doc" and, unlike his paranoid father, often went about the country personally testing his fleet of exotic cars. Addy was guilty of a second grave sin: He had, during a recent trip to New York, possessed and read a copy of an anti-government exile newspaper, *MR 12 N*, named after the date of an abortive coup whose leaders were shot in a public square in Port-au-Prince in 1964.

If this is flimsy stuff out of which to build charges of plotting a revolution, you must understand that the Duvalier government operates on the axiom: "Whoever is not for me is against me." And woe unto the man who is suspected of not being for Duvalier. And me? How did I get implicated? I was told that Addy's wife informed a government official that if Addy is guilty of a plot against Duvalier, then Patrick must be, too—because they are so close. You are surprised that some

In Haiti friends often betray one another so they won't be arrested themselves. Turning in a friend is the ultimate test of loyalty to Baby Doc Duvalier's government.

friends inform on one another? That a friend's whisper into the right ear can land some unfortunate soul in prison? In Haiti, this is routine. Friends betray one another so they won't be arrested themselves. Turning in a friend is the ultimate test of loyalty to the government.

I was left alone in the interrogation room almost all the time. My imagination ran rampant conjuring up the gruesome tortures that awaited me. Techniques of police investigation are infamous in Haiti, and my mind spared me none of the details. One method occupied a special place in my fears. Prisoners, I recalled, were forced to squat, handcuffed, their arms clutching their legs. A stick is shoved between the arms and legs, and the prisoner is perched in mid-air, suspended between two high desks. The soldiers take turns beating the prisoner as he spins around like a pinwheel.

In a more optimistic mood I imagined that I would simply be taken off to Fort Dimanche or to some other location and shot, a merciful death. The Duvalier regime is inventive with respect to techniques of torture. A commonly accepted estimate is that something like 40,000 Haitians have been killed since Papa Doc's takeover in 1957. How would I be killed? A common beating? Starvation? Perhaps the garrote? All are routinely practiced by Duvalier's jailers.

On January 3, I was ushered into the office of the barracks commander, General Breton Claude. On the wall next to his desk were snapshots of captured political prisoners who had been killed by the regime. Many of the men in the pictures were battered, mangled, and bloody. I got the idea that they were on view to inspire cooperation. Breton Claude, a powerfully built man of 70, exuded innocence and naiveté while his assistant asked all the questions. Again the accusations of a plot were trotted out; again I denied them. A third man, an interrogation specialist (read that "professional torturer") struck me with his fist in the head and about the ears. This continued for about two hours. Getting nothing out of me, they sent me back to my room to think things over.

On the tenth, the scene repeated itself. Suddenly, the door

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opened and Frank Esalem walked in. Esalem is a mulatto of Dominican extraction who was at one time a high-ranking member of the Haitian Communist party. He is known as "Charley," and now his job is to ferret out Communists. Esalem is responsible for the deaths of thousands of young Haitians; looking at him, my only emotion was disgust. He stared at me for a long time and then slowly shook his head as if to say "no": He was telling my captors that I was not a member of the Communist party. A "yes" would have meant instant execution.

A few minutes later three soldiers escorted me across the yard and down a steep sloping underground hallway. We had walked into a long corridor with numbered cells on each side—a real, honest-to-God underground dungeon. I was ushered into one; my clothes were taken off and confiscated. My handcuffs were removed for the first time in twelve days and nights. One of the soldiers noticed a gold chain around my neck; he took it off and pocketed it. I was left standing, naked, in a six-by-five jail cell. The door slammed shut: I was now in solitary confinement.

I explored my cell. Since I am more than six feet tall, I could not lie down fully extended; my head touched one wall and my feet the other. On the narrow side my outstretched fingers touched both walls. On the floor there was a one-gallon paint can, to be used as a toilet. A few squares of toilet paper and a filthy mattress completed the furnishings. I examined the walls. The number "47" had been scratched on one wall. I felt that it was an omen, revealing some special meaning for me; I interpreted it as a prophecy of prompt release: I would remain in this cell four days and seven hours, I predicted.

How could I have known that I would remain in Cassernes Dessalines, locked up in this very cell, in solitary confinement, for exactly two years?

The morning ritual of each prisoner began at 6 A.M. with a head count. Then the cell doors were opened, and we passed out the paint cans to be emptied. We were given one cup of water to wash ourselves and, for breakfast, a cup of watered-down coffee and a piece of bread. Then the can was returned, the cups taken away, and the door was slammed shut and locked. At lunchtime and suppertime the door was unlocked and a plate of food placed on the floor; the jailer, while shrieking accusations and insults at the cell's occupant, pushed the plate of food a few feet forward with his foot. Then he slammed the door and looked through the four-inch-square peephole, gloating with satisfaction. It was almost impossible to eat the food fast enough to finish it; the plate was snatched away after a couple of minutes. The menu kept to an almost rigid schedule. Monday, Wednesday, Friday, and Saturday: cornmeal and red bean sauce, topped with a sliver of meat the size of a thumbnail. Tuesday and Thursday: rice and beans.

When a guard caught me with a wooden match, he gave me a stern lecture. I might try to kill myself with the match, the guard said. He took it away from me.

Rice and bean sauce with two crossed pieces of macaroni clearly indicated that Sunday had arrived. I didn't have any trouble keeping track of the days of the week.

We were allowed no possessions or objects whatsoever in our cells. I was given a stern lecture by a guard when he caught me with a wooden match. I might try to kill myself with the match, he explained; he took it. There were days when we did not even have rags to cover our bodies; the miserable garments we were allotted became so filthy that they were taken away, leaving us totally naked.

Finding a way to protect ourselves from the early morning cold took ingenuity. One day I discovered pieces of thread inside the mattress and knotted them together. I patiently filed a leftover bone on the cement floor and used a staple to grind a small hole at one end of the bone. I had devised a needle. I tied the thread to the door and began knitting a makeshift blanket. During the day I hid my handiwork inside a cavity in the mattress. It took a month of clandestine nighttime knitting, but I finally had a blanket large enough to cover half of my body against the cold. Two days later, an inspection led to the confiscation of my blanket secreted inside the mattress.

Prisoners were brought in and out of Cassernes Dessalines irregularly. With the arrival of each one I became eager to learn of news from the outside world. One day a man about 55 years old was brought in by a group of officers and placed in the cell across from mine. Although communicating with one another was strictly forbidden, I indicated to him that we could talk to one another by lip reading through the peephole. He knew nothing of the fate of my friend Addy and began talking about his own case.

He had worked hard all his life, he explained, and had built a ten-room house in the town of Sous-Dalle. Neighbors were envious and often caused trouble. He spoke of the covetous nature of the Tonton Macoute, murderous secret policemen who would kill you to seize your possessions. He was in his garden one Saturday evening, measuring and writing down some dimensions to begin a remodeling job on his house the next day, when he was approached by two plainclothes agents who accused him of possessing anti-government leaflets. One of them grabbed the paper on which he was writing and struck him with the back of his hand. The two began struggling. His

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family ran to the balcony above to see what was going on. The man turned to run into his house; the agent started after him. His daughter Marie dropped a vase that hit the agent on the head, killing him. The second agent ran off to report the incident.

The situation could not possibly have been worse: The agent who had been killed was the adopted son of the local Tonton chief. The man and his daughter turned themselves in to the local Tonton Macoute headquarters. He was innocent, he explained to them. It was an accident; he did not start the fight. He and his daughter were beaten by the Tonton Macoute and dragged back to the scene of the crime. The second agent, bending over the body of the first, accused the man of possessing communist propaganda. The man and his daughter were stuffed into the trunk of a car and driven to police headquarters, and then transferred to Cassernes Dessalines. The daughter was taken away. He was imprisoned in a jail known as Death Hall and transferred here after three days. Surely he would be released, he said; after all, he reiterated, he was innocent. What's that got to do with anything? I wondered. He opened his mouth and showed me gaps where teeth had been knocked out. He asked me if I thought his 14-year-old daughter had been raped. I was silent, for surely that was to be one of the least horrifying experiences she would have to face. He asked me for a cigarette, but I didn't even have clothes on my back. I tried to reassure him by saying that since they allowed him to keep his clothes, he was probably going to be released soon. A month later the man was released. One day later his body was found on the same spot where the agent died. I later learned that his daughter, although released from prison, had become insane. She never recovered.

THERE WERE MANY SUCH PRISONERS, THE secularly damned of Haiti, and I was one of them. I was forced to sign a written statement detailing the accusations against me and my denials. I was assured that I would be freed. I was taken out of solitary—after two years—only to be transferred to something much worse, Fort Dimanche, the most infamous of all the Duvalier prisons. The stench of death oozed from its walls. This living hell was my new home.

I was taken out of my cell, given some clothes, and escorted to an officer's room. Addy was there; how overjoyed and relieved I was to see him alive! We were put on a truck and driven through Port-au-Prince. Addy speculated that we were being taken to Fort Dimanche in hopes of killing us off. We didn't believe that we were strong enough to survive the harsh conditions of that hellhole. The guards allowed us to sit up and look out of the truck as we drove through the streets. We passed a school I had once attended. I looked in vain for a familiar face—anyone who would recognize me, know I was still alive. No one. But the sun felt delicious on my face.

They put me in cell five. There were already twelve skeletal figures in it; they appeared to be more dead than alive. They introduced themselves. The most recent arrival had been here a year.

How can I describe the conditions at Fort Dimanche? They would seem unreal; human beings cannot live like that.

Our portions of food were so minuscule that it seemed to make little difference whether we ate or fasted. We could almost count the grains of rice—we received such stingy servings. Rice was served both half-raw and burning hot. The entire prison—more than 100 men—was served in fifteen minutes. That was how long we had to eat.

Before the almost nonexistent food we received water in a bucket. A film of grime always floated to its surface. By the time it had been brought to us it had passed through a number of purifying steps: the guards washed their hands in it, dogs drank from it—even goats had a go at the water. We had to fight among ourselves to scoop up a few mouthfuls of water; most of it was spilled on the floor.

The lights were left on, harsh and bright, throughout every one of the thousand nights I was a prisoner at Fort Dimanche.

Eighteen squares of toilet paper were allotted to each prisoner per month. On September 30, 1975, following an official commission's inspection of the prison, this allotment was discontinued altogether. If cloth was available, we could cut squares and use them as toilet paper; when we had no cloth, we used our fingers and wiped them on the wall. How did some prisoners obtain the cloth? When a prisoner died, cellmates haggled over his clothes.

Every few weeks we got ten or fifteen seconds under a chilly shower at 2 A.M. Then we had to run back to our cells along wet cement coated with excrement.

Every few weeks we were allowed ten to fifteen seconds under a cold, feeble shower. It was impossible even to wet your entire body. Occasionally bits of soap were distributed. We did not even have enough time to soap our bodies. A few prisoners refused to take part in the futile farce; they were vilified by the soldiers for being such pigs.

After "washing" we had to run past the putrid stench of the latrines on wet, muddy cement coated with excrement and spit. Showers had to be taken at 2 A.M. to maximize the prisoners' exposure to the chilly early morning air. Many prisoners contracted pneumonia as a result. Luckily, there were many water shortages; some lasted for two months.

We were given diluted black coffee in cups; the same cups were used for each cell, one cell at a time. Cell one was reserved for prisoners with contagious diseases.

Early one May our excrement can began to leak. When the guards ignored our complaints we tried to patch it up with a mixture made from rice or with chalk scraped off the wall, but to no avail. Late in the month we attempted a small rebellion: Instead of taking the can back to the cell after dumping it in the latrine, we left it in the hallway. The guards ignored us. One man in the cell had diarrhea; he defecated in the doorway. Our cell sloped down from the door, and the growing mess crept toward us during the night. Half the cell was covered; we huddled in the other half. The next day a soldier ordered us to clean the excrement off the floor with our bare hands, which we did. But the shit kept coming. Our lunch was served over piles of shit. Finally I was allowed to speak with one of the guards; he removed us from the cell for one night and the following day gave us a shiny new can. This was one of our greatest triumphs.

We received almost no medical attention at all. One day a new arrival was brought into our cell. He had been beaten severely and was bleeding profusely from his ears, nose, and

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mouth. His head was swollen up like a balloon, and his groin was bruised and distended. We treated his wounds with urine, our only remedy, putting drops wherever he was bleeding. For some reason, this folk remedy worked. One November another prisoner arrived; he walked in bent over, a result of severe beatings. We got him to pull down his pants and lie on his stomach. He had two huge blisters, one on each side. I rubbed them with a urine soaked cloth three times a day. Finally they burst, spewing blood into the cell. With a makeshift needle I perforated the circumference of the wound and peeled off the dead skin, and continued with the urine treatments. A few days latter maggots appeared in the open wound; I used my needle to remove them one by one.

Speaking French was forbidden because some of the guards didn't speak it; everyone had to speak Créole at all times. Education in any form was forbidden; no prisoner was allowed to teach another prisoner anything. We were to be kept as ignorant as possible. Communicating from cell to cell was also outlawed, since it might lead to prisoner unity and cohesion—and possibly resistance. Writing in any form was strictly taboo. We were not allowed to possess any written materials (we were not allowed to possess anything, but the rule was strictest for written materials), and we were not allowed to write anything. Passing a note from one prisoner to another or to someone outside was cause for an especially severe beating, for that would constitute documentation that the unacknowledged prison system existed and would automatically be construed as a criticism of the government.

We were allowed no possessions whatsoever, except the grimy, tattered clothes on our backs. We made playing cards out of mashed rice and stale breadcrumbs, puréed and molded flat into one-inch squares. We made writing scrolls and chess pieces the same way. We managed to slice off slivers of aluminum from our plates and made a kind of ink by rubbing them on the cement and adding water to the powder. With a small piece of wood, cut from the broom we were permitted to use semiannually, we devised a pen. Three of us who were educated taught the illiterates how to read and write—in strictest secrecy; we would be beaten mercilessly if we were caught at it. And, in spite of the wretched environment in which we lived, our esthetic impulse had not been killed off. From time to time a prisoner would stand up and cheerfully announce: "Ladies and Gentlemen! The Esperensa Band of Fort Dimanche is now ready to play some selections from its rich repertory." ("Esperensa" means hope.) Musicians would grab their instruments: flutes molded from rice and breadcrumb paste, drumsticks from bones, the wall as a drum. And our melodious voices, of course. On these occasions, music would fill the fetid air.

One day a woman named Clautide arrived at Fort Dimanche; she was placed in cell ten, reserved for female prisoners. One of the men in our cell, Salomon, became obsessed with Clautide and often perched on top of the cell door for hours, singing and whistling songs to her. At the end of one long and passionate serenade, Salomon would close his eyes and croon, "Nightingale, when will you land on my window?" We all knew that Salomon was being driven to the edge by this romance. We reminded him of an earlier, similar flirtation between two prisoners. Like Salomon, the young man and his prison amour would exchange sweet words for hours. His desire to touch her was so overpowering that they arranged a kind of makeshift, long-distance contact. She pulled off some of her pubic hairs, rolled them up, and tossed them across the hall to her suitor, who wore them as a moustache. Though the woman was eventually released, the young man became insane and died a few months later.

Over here, it's not much better. By Steven Petrow

FLEEING JEAN-CLAUDE DUVALIER'S BRUTAL regime for the "land of the free" is not much of a trade. The thousands of Haitians who have attempted the 700-mile crossing to Florida have learned that even if they survive the whimsical elements and treacherous smugglers, they must face a more implacable foe: the U.S Immigration and Naturalization Service. The Haitians are jailed, beaten, starved, and rarely granted asylum; yet some of them still kill themselves rather than return.

Acceus Serant is a 45-year-old dressmaker who had a comfortable life with his wife and family in the coastal town of St. Marc—until April 1978, when he was arrested for a second time by the Tonton Macoute. After his escape from jail he hid for four months and then set off for America with fifty-eight others. "I couldn't live in Haiti because there were no rights, no democracy or laws," Serant recalls ruefully.

* * *

August 28, 1978: After twelve rough days at sea the little boat—purchased collectively by the refugees for $500—washes up on a beach near Boca Raton, Florida. INS officials are waiting for them, and the Haitians find themselves facing a bureaucratic Scylla and Charybdis: They can either return to Duvalier's tender mercy in Haiti or go to jail—for life, some of the refugees understand the INS to say.

Forty-seven of the refugees agree to go back. The rest—including Serant—go to the West Palm Beach jail.

November 23: The Haitians have been moved to the Collier County stockade in Immokalee where the food is slop, and—they believe—the water is impure. Forgotten and desperate, they start a hunger strike.

November 24: The INS announces plans to move the Haitians to another jail, transporting them in groups of two. The refugees, remembering the Tonton Macoute, refuse to go unless it's in one large group. A riot breaks out; the immigration personnel beat the refugees with heavy wooden benches. Serant suffers a fractured knee.

January 30, 1979: I visit the Immokalee stockade. Some of the refugees have been wearing the same clothes for four months now. Others have no shoes. Several claim they have to sleep on the concrete floor because there are no mattresses. The jail warden doesn't deny it, and he also admits that the stockade went without heat and hot water for two weeks during the winter.

The Haitians have been protesting the conditions by throwing food and urinating on the floor. Warden Jim Lester calls INS offices in Miami and, while I listen, says: "If those Hai-

Steven Petrow is a freelance writer living in New York. Some of his research was funded by the National Endowment for the Humanities.

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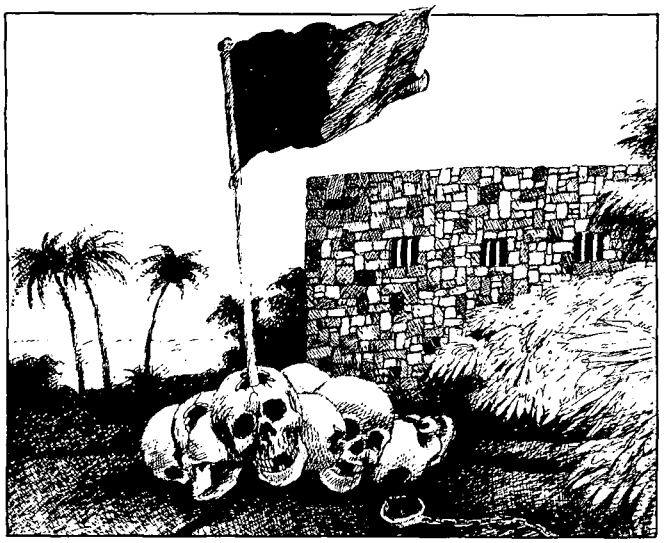

Clautide fell ill and needed increased rations of bread. Salomon wrote a note to her—he was one of our star pupils—and attached it to a piece of bread. He planned to throw it across the hallway to cell six, and from there it would be conveyed, cell by cell, to Clautide in ten. His throw fell short, and it dropped into the corridor. A hush fell over the prisoners; the tension was unbearable. If the bread was discovered by a guard, we would be in trouble. We would probably all be beaten. Not only were we communicating with one another, but we had writing materials. We pulled a cord out of a mat, attached a hook a prisoner had devised, and pulled the bread back into the cell.

We screamed at Salomon for being such an inconsiderate idiot, for jeopardizing the entire cell with his foolishness. In retaliation, he said that *we* were the guilty parties for teaching him to write in the first place. He went berserk and began pounding on the door, threatening to report our jailhouse classroom. We had no choice but to destroy the evidence—all of our educational materials.

Many prisoners died in the cells. When a prisoner named Jean-Pierre began dying, a foul stench filled the cell from his coughing. He attempted to spread his disease by touching us or mixing his food and water with ours. The stench became overwhelming, so we tied a small piece of soap under our noses. We kept Jean-Pierre and one other sick prisoner at the end of the cell with the can; the rest of us crowded at the other end. One night I sat up and watched Jean-Pierre. He looked truly delirious. He bit into pieces of bread he had accumulated so that no one else would eat them. He put on both of his pairs of underwear so that they would not be used after his death. He huddled in the corner, wringing his hands and staring at us. At about 2:30 A.M. he keeled over, dead. Everyone in the cell was overjoyed. All I could think of was that for the past five months I had shared his plate.

Justin Bertrand, well known for the atrocities he committed when he was a Tonton Macoute chief, was also dying. He had diarrhea and couldn't make it to the can, so we took turns cleaning up. Justin's nephew, also a prisoner, occasionally became so embittered after cleaning up the mess that he whacked Justin a few times in frustration. In the last eight months Justin had not been able to leave the cell for a shower or a haircut. He stank and was infested with bugs and lice. As a last act before dying he dipped his hands in excrement and smeared it all over his face. Looking at the men dying in the cell, my usual thought was the passage from the Bible: "Remember that thou art ashes, and to ashes wilt thou return." Looking at Justin, I thought: "Feces he was, and to feces will

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tians don't start obeying the rules around here, there is going to be some blood shed. And it isn't going to be that of me or my men." Turning to me, Lester observes: "If I were a guest in someone else's country, I would try to obey their laws and act with some dignity."

February 21: Serant has a new home—the Belle Glade jail. Already the refugees have called two hunger strikes. Serant is feeling suicidal in his sixth month of imprisonment. "When we were in Haiti we were released from prison because your President Carter made a point of it to our government," he says. "Then we come here and we are put in prison."

February 22: Again the INS moves the Haitians to a new jail, and again fighting breaks out. This time the beatings are witnessed by a nun and the director of the Haitian Mental Health Center at Miami's Jackson Memorial Hospital. "They were so weak [from a hunger strike], and even then the police were beating them and beating them," the tearful nun says. When the Haitians reach the Fort Pierce jail, they are tear-gassed. Four are hospitalized.

February 26: Several newspapers report the beatings and tear-gassing. At the INS offices in Miami, officials are outraged and call the stories "absolute lies." I tell them of the independent witnesses, and the room is quiet. "Unfortunately," one of the INS men finally says, "things like that happen every day. There is nothing we can do about it. The guards are undereducated and underpaid. Any time anyone acts up they are quick to exert their authority."

March 5: Serant is released after a Miami minister agrees to assume responsibility for feeding and clothing him as well as to ensure that Serant makes all his court appearances. Now he finds himself in another INS–created catch–22: Haitian refugees cannot get work permits until a decision is reached on their permanent status; and at the same time, since they aren't legal residents, they can't get any government economic assistance.

March 10: I see Serant for the last time, at a demonstration in front of the INS offices in Miami. He carries a placard that says: "Human rights begin at home."

* * *

Today Serant lives in the Midwest, working illegally as a tailor. He lives in a weird bureaucratic limbo; the INS has still not determined his fate.

If he were from the Middle East, from Indochina, from Cuba, or from any other communist country, Serant would be a political refugee and welcome here. But since he is fleeing a right-wing dictatorship, he must prove that he has been politically persecuted. That's nearly impossible "except by going back and being repersecuted," says a National Council of Churches attorney who has worked with Haitians, "or having Duvalier send a letter saying, 'yes, if this person comes back I will persecute him.'" Only one percent manage to convince the INS to grant them asylum.

Right now a federal judge in Miami is reviewing INS policy toward the Haitians. If he rules against the INS, the refugees will be released from jail and can stay; if he upholds the INS, the deportations of more than 10,000 people will begin immediately. And Acceus Serant will get a chance to get a personal letter from Jean-Claude Duvalier to show to the INS. If he lives.

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he return."

The Haitian prison system is very successful in destroying any possibility of unity among the prisoners. They lose compassion for their fellow prisoners; they think only of their own personal survival. Most of us became selfish and hardened to one another's plight. The motto was every man for himself.

I realized that there was a psychological element in survival. Short of contracting a raging, uncontrollable illness, a prisoner who lived was one who nurtured the flame of hope; those who died had given up long before. I recall a man who came into Fort Dimanche with his body swollen and covered with sores and wounds; his chance for survival was almost nil. He was trying to flee the country; unfortunately, he was arrested, beaten, and sent to Fort Dimanche. A few days later, a commission consisting of three colonels visited the prison; they told him he would be released very soon. His health improved visibly; he began eating and talking about what he would do when he was released. He seemed to have come back from the dead. On December 17 two other prisoners were released, and he was left behind. He became convinced that the commission had lied to him. Two days later, he died. It is customary to release prisoners during the winter holidays—

Those who lived were the ones who nurtured the flame of hope. Those who died were the ones who gave up. A man who decided he couldn't live—didn't.

Christmas and New Year's Day. One prisoner announced that if he weren't released during the holidays, he wouldn't survive. He hung on through Christmas and New Year's Day. He died on January 2.

My physical condition was deteriorating. I had lost almost 100 pounds; I weighed under 90 pounds. My waist went from 36 inches to 28 inches. I could barely walk. My body was covered with sores; the itching never ceased. The urine cure didn't seem to heal my skin. Of the twelve prisoners in the cell when I arrived, eleven had died, and one was transferred to another prison. I grew certain that my turn was next.

BUT AFTER THE AMERICAN PRESIDENTIAL elections late in 1976, discipline began to ease up; our captors became a bit more generous with the meager resources. Something was clearly afoot. Our food rations increased. We began to get some medical attention—not much, but more than the nothing we got before. We got vitamins and new clothes. Our optimism flourished. Rumors ran wild about our imminent release.

Prior to 1976 we could count on the fingers of one hand the prisoners who had been released from Fort Dimanche. During 1976 eighty-seven died and forty-one were released; more than a hundred prisoners remained in Fort Dimanche.

Although I was emaciated, feeble, and very sick, my spirits were sky-high as 1977 began. Physically, I was getting worse by the day. By February I was unable to stand on my own. I couldn't even take our pathetic shower. Each day two prisoners were called out and transferred or released. The prison was ablaze with excitement. On February 17 at 10 P.M. I heard a truck enter the prison grounds. I was sure that it was to be the vehicle that would carry us out. My hopes were shattered when I saw a prisoner being brought in.

Then, suddenly, an officer stepped into the corridor; he opened an envelope and read off ten names, all of political prisoners, but mine was not among them. The officer remained in the corridor. He opened the first cell and called out two names. In cell three, two names—Addy's was the second. Everyone in my cell looked at me. I removed the shirt I was wearing and gave it to a friend; he would need it more than I. My excitement was almost uncontrollable. The door opened and "Patrick Lemoine" was called out. After mine, five more names. Addy helped me to get dressed. We were led to the truck, and I was helped on. "We made it!" I shouted, kissing Addy on the forehead. I looked back at the lights of the prison; they won't have my skin, I thought to myself.

But even as the truck made its way forward, we were not certain that we would be released. We ascended the hill above the prison, approaching the crossroad at the top of the hill. Heavily weighed down, the truck began to roll backwards. Terrified, we fell silent. A left turn towards the seaside meant that we were being taken to be executed. A right turn onto the road at the crossroads meant that we were being taken to downtown Port-au-Prince to be processed and released. One prisoner asked, "What's going on?" But no one responded. Slowly the truck inched onto the main road. We breathed a sigh of relief.

We arrived at the national penitentiary; ten of the prisoners were taken inside. The rest of us huddled at one end of the truck. We were all long-term political prisoners; once again we feared execution. When the truck turned toward the barracks, our fears dissipated. I was placed in a six-by-ten cell with a sleeping bag and a gallon bucket; it seemed almost palatial after Fort Dimanche.

In the morning I was given a toothbrush and toothpaste, the first in five years; I brushed my teeth joyfully. I took little tastes of the toothpaste during the day, like mint candy. For breakfast I was given a glass of milk, a piece of buttered bread, and a banana. I ate the skin and saved the banana for later. I realized we were being fed for a purpose, and I decided to ask for more food. I was given a bar of soap and told to shower; I was so feeble I had to sit on a chair under the stream of water. It was the first time I had had a real shower in more than five years. I was even given a towel. A medical team visited me later that morning. Each prisoner received vitamin syrup, an injection of penicillin, and one of vitamin B-12. We continued to receive these medications, daily, for weeks afterward. And we ate royally—fish cooked in oil and spices, chicken, ham, cheese, vegetables, chocolate. I just couldn't get enough of it. Sometimes I ate so much I couldn't stand up, sit down, or lie down comfortably. I got a case of diarrhea, but I didn't inform the doctor; I would rather have died of it than be given less food. I was in constant fear of being sent back to Fort Dimanche, so I was building up my strength just in case.

Each morning I attempted to do one push-up and failed. On March 17, exactly one month after my arrival at the barracks, I managed to do my first push-up. I knew I was getting better. The next night while I was sleeping the beautiful woman who used to appear frequently in my dreams made a reappearance. She caressed me all over; I was ecstatic. I had a nocturnal emission. For three years my penis had been completely dormant. I felt like a man again.

I made a schedule for myself. I woke at 5 A.M. I exercised.

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Shower at 6:30. At 7:30 breakfast was served. I ate slowly, masticating each mouthful fifty times with my eyes closed. At 8:30 I played chess, the right hand playing the left. I sewed and knitted till lunchtime; lunch was served around 2 P.M. I paced my cell a lot and played a lot of chess. After supper, another stroll. All the while I tormented myself wondering why I had spent six years behind bars. What crime had I committed? I was not tried in court, I was not proven guilty, no sentence was formally reached on my case. How did the government profit by my incarceration? I never came up with any answers. At 9 P.M. I would fix my bed, and then I prayed for a new day in Haiti—the downfall of Jean-Claude Duvalier.

At the end of August a guard told me that all the important military officers were working on the political cases. I recalled that, earlier, I had heard the American national anthem played. The American ambassador to the UN, Andrew Young, had paid a visit to Haiti, but the name did not mean much to me. It was he, I learned later, implementing President Jimmy Carter's human rights policy, who had pressured the Duvalier regime to release all the political prisoners in Haiti. (Young even talked about it publicly, which greatly embarrassed Duvalier.) This was what our release was all about.

By the middle of September we were photographed, given typhoid shots, and X-rayed. We were given haircuts and shaves. We were supplied with new clothes. If they didn't quite fit, they went back for alterations. I wondered where I was going that I had to look so good.

ON SEPTEMBER 21, I TOOK MY USUAL morning shower at 6:30. It was followed by breakfast. I had accumulated twenty-six biscuits that I could never eat. At 9 A.M. the jailer opened my cell door and told me to shower again; he gave me a bar of scented soap. I was then given a blue suit to wear. Ten of us were led to the barracks commander's office; on the way, an officer gave me a bottle of perfume. All ten of us sat down. (Another political prisoner was still in the hospital.) The commander told us that we were being freed shortly. He said that our freedom was solely a government decision; there had been no pressure for our release. Then he looked up at us. We were silent. He was surprised that none of us expressed any thanks for our release. With rising emotion he said that this would be the first time that President Duvalier, whose office was nearby, would not hear cries of gratitude from pardoned prisoners. He expected a cheer; instead there was more silence. Tension mounted. Finally, one prisoner got up and said, "Colonel, you have to understand that after all these years in prison, we cannot find the words to express our feelings." He sat down.

We were then ushered into the office of the minister of the interior, where the news media awaited us. The minister of the interior read the presidential decree that proclaimed total amnesty for all political prisoners in Haiti. A total of 104 prisoners would be released; eleven were to be expelled from the country as terrorists too dangerous to be allowed to remain on the domestic scene. I was one of the eleven. The government boasted that all political prisoners were released, an obvious lie: I personally knew of several dozen political prisoners left behind.

On the same day, we were brought to the barracks and served lunch in the commander's room. We were allowed to telephone our families so that they could bring some of our belongings. The minister of the interior was to arrive shortly with our passports and airline tickets. My wife and son arrived; my son was now tall, six years old. Tears filled my eyes.

My wife and son arrived. Tears filled my eyes. "I have a father like everyone else!" he shouted. I began sobbing. My wife stood behind him, cold and stiff.

"I have a father like everybody else," he shouted. I began sobbing. My wife was standing behind him, cold and stiff. I told her I was being expelled from the country; I inquired as to the status of our relationship. She said that as far back as 1975 she had been told I was dead. I offered to make our estrangement legal. She whispered that it had already been done. Divorce, Haitian style.

By that evening the interior minister still had not arrived. The next day the Haitian newspapers reported that we had already left the country. We spent four days under guard; we were not even allowed to go out of the building into the yard. On Sunday, around noon, our passports were brought to us. We boarded the plane, our destination still unknown. Sitting on the plane, we opened the passports: They contained no visas. We looked at the tickets. They were all round trips: Port-au-Prince to Kingston, to London, to Amsterdam, to Curaçao, and back to Port-au-Prince. We assumed that the plan was to have us return to Haiti. Without visas, we would not be allowed to stay anywhere. We became convinced that the plan was to tell the world that we were such dangerous criminals that no country in the world would take us; the only place for us was—back in Fort Dimanche!

Because of the delay in Port-au-Prince, we missed our connection to London; luckily, we were granted a week's stay in Kingston. During this time we learned that Dutch immigration was cooperating thoroughly with the Haitian government; they were expecting our arrival and were preparing to send us right back to Haiti. The Netherlands, that haven for exiles the world over, wouldn't let any of us in. So each of us had to arrange to immigrate to one country or another—any country that would take us. We all applied for entry into France; all were rejected. Four of us made it into Canada, three to Belgium, and two stayed in Jamaica. Since my mother is an American citizen, I was allowed to immigrate to the United States—but only after I resisted pressure from the U.S. consul, who wanted me to confess that I had been trying to overthrow the Haitian government. Since Addy's brother lives in the States, he was also allowed to enter, but only after four months of hassle and the strategic intervention of Andrew Young and Representative Walter Fauntroy (D-Wash., D.C.).

* * *

It has been two-and-a-half years since I left Haiti. I do not regret my exile. The Duvalier regime has not changed. If I had stayed there, I would certainly have been rearrested; and this time the prison would have killed me. I know it.

I live in New York now, and I have a girlfriend. By day I study to be an airplane mechanic; by night I am a parking lot attendant. Often it is a struggle to make ends meet. But that is all right. Now I feel something I haven't felt since those earliest days in Cassernes Dessalines. I feel hope. ❏

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COUNTING HEADS IN 1980

Census Day is almost here. The government wants to know how many flush toilets you have in your home. Also, if you've got a "mental condition" which has lasted more than six months and which limits your use of public transportation, you'd better report it. Of course, if you're the type of person who doesn't mind broadcasting this sort of information, you won't object to Bureau of the Census Form D-2. In any case, you'll want to read E. Scott Royce's analysis of this year's head count and its predecessors. And Art Hoppe's behind-the-scenes report on how the Founding Fathers started this numbers game just might cheer you up.

The Need to Know

By E. SCOTT ROYCE

ARE YOU MARRIED TO the person with whom you reside? Is a language other than English spoken in your home? Do you have a "physical, mental, or other health condition" which has limited or prevented you from working? How many times have you been married? If you were born outside the United States, are you a naturalized citizen? Did you work at any time last week? If so, at what location, and for how many hours? Does your residence have "*complete* plumbing facilities"? How many babies, "not counting stillbirths," has each woman in your household had? Do you believe that these and similar questions are nobody's business but your own?

If your answer to the last query was "yes" and you are inclined to act on that basis, beware. All the previous questions can be found on the long version of the 1980 census form, which will be deliv-

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The Great Census Debate of 1787

By ART HOPPE

APRIL 1, FITTINGLY enough, is Census Day; and I have at hand U.S. Department of Commerce, Bureau of the Census, Form D-2. This form, I am reassured to see, was "Approved: O.M.B. No. 410S78006" and opens with a cheery message from the director, Bureau of the Census:

"We must," he writes, "from time to time, take stock of ourselves as a people if our Nation is to meet successfully the many local challenges we face. This is the purpose of the 1980 census.

"The essential need for a population census was recognized almost 200 years ago when our Constitution was written. As provided by Article I, the first census was conducted in 1790, and one has been taken every ten years since then."

The director is absolutely correct. Article I plainly states that representatives to Congress "shall be apportioned among the several states which may be

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ered to about one out of every five households around March 28. Refusal to respond is a federal crime, punishable by a fine of up to $100.

The long form contains thirty-three population and thirty-two housing-related questions, many with up to five sub-parts. The remaining 80 percent of the population is somewhat luckier. It will receive a "short" form composed of seven population and a dozen housing inquiries. According to the Census Bureau's 1980 game plan, most Americans will complete their questionnaires this year without ever seeing a census-taker. The only exceptions will be a few rural residents whose forms will be picked up at their doors and those Americans who fail to respond fully to their forms, long or short, who will receive follow-up visits.

The alleged constitutional basis for this census inquisition is Article I, Section 2, which requires that an "enumeration" of the population be made every ten years for the purpose of apportioning the U.S. House of Representatives. Over the years, however, the federal government has transformed the census into an extensive sociological and economic survey designed more to satisfy the excessive curiosity of Washington bureaucrats than to fulfill the intentions of the founding fathers.

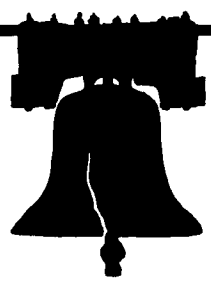
The first federal census, conducted by U.S. marshals using pens and paper they had to supply themselves, was brief and to the point. Americans were asked who the head of their family was (a question finally eliminated this year, apparently because of its sexist implications) and the names of all other persons in the household, broken down into five categories: free white males 16 years of age or older, free white males younger than 16, free white females, slaves, and other persons. Even that 1790 questionnaire went beyond the constitutional intent. The age query was designed to judge American military potential, not to allocate representation. By the mid-1800s, the length of the census form had begun to expand dramatically. Census designers soon took to heart James Madison's 1790 advice that the survey provided a unique "opportunity of marking the progress of the society and distinguishing the growth of every interest."

CENSUS STATISTICS ARE an essential link in the chains which big government has used to bind down the American people. They are used both to justify and stimulate Washington's massive social programs. "Every question included in the census," one of the bureau's 1970 promotional pieces noted, "is asked because the information is needed by some agency of government, federal, state, or local, to guide important programs in the public interest, such as improving education, employment or housing." Another bureau publication explains that census data "will tell us what racial groups or age groups need help in improving incomes, housing, jobs, and education."

More than $50 billion of federal tax money is now allocated to state and local governments on the basis of census figures—the reason that many local officials are currently worried about an undercount. Among the programs involved, which now number over 100, are those administered under the Adult Education Act, the Public Health Service Act, the National School Lunch Act, the Economic Opportunity Act, the Manpower Development and Training Act, the National Housing Act, and the Housing and Urban Development Act. "It is in every person's interest, economically, to be counted in the census," one bureau official told a *Chicago Tribune* reporter last year. The statement, however, is highly dubious. It is true that "federal aid" is determined by the number of people responding in each locality; but, at the same time, the greater the number of persons responding, the greater the amount of federal spending. And increased federal spending necessarily means increased taxes.

There are, of course, other governmental users of census information besides the health, education, and welfare bureaucracy. They include the IRS, which noted in a 1977 letter to a House subcommittee chairman: "We find the census data particularly useful for the purpose of evaluation of proposals to extend the income tax system to cover certain categories of income, or individuals, not currently covered by the system." IRS added that "our interest in the data lies in the fact that it supplements the data already extracted from tax returns with regard to the income of the nation's population."

"The fact that many of the [census] statistics are also useful to others is an added benefit" of the survey, the Census



included within this union, according to their respective numbers," and the "actual enumeration" of these respective numbers shall be made every ten years.

Nothing could seem more clear cut than that. Yet problems arose, as all students of the Constitution know, when our Founding Fathers began the long and ofttimes bitter debate on precisely how this "actual enumeration" should be conducted. And—oh!—how frustrations mounted and tempers flared during that hot, grueling Philadelphia summer of 1787.

It was the venerable Benjamin Franklin, whose ingenuity and analytical powers were little dimmed by his 81 years, who initially proposed that the actual enumeration should proceed "serially."

"As the purpose of this enumeration is to determine the number of residents in each of the several states in order to determine how many representatives to the Congress to which that state shall be entitled," he said in an address to the delegates on June 17, "I would respectfully suggest that the enumerators in each state commence with the number 'one' and progress serially—that is, 'two,' 'three,' 'four,' 'five,' etcetera—until they have enumerated all the residents of that state."

According to James Madison's authoritative account in his *Debates in the Federal Convention of 1787,* the presiding officer, George Washington, had raised his gavel in preparation of proclaiming "So ordered" when Alexander Hamilton leaped to his feet. "I have no objection whatsoever to the ingenious solution proposed by my distinguished colleague from Pennsylvania," said the leader of the Federalists, "but is it, however, of sufficient scope? While it is all well and good for a representative to the Congress to know *how many* citizens he represents, should he not be able to represent them more efficaciously were he to know *whom* he was representing? I therefore move to amend Mr. Franklin's motion to empower the enumerator, in addition to counting each citizen serially, to inquire of him his name."

This proposal threw the convention into an uproar. The very thought of per-

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Bureau notes. In addition to the bureaucracy, the business community has come to depend heavily on census data. Censuses in the thirteen colonies before the Revolution were conducted primarily to supply data to the British Board of Trade. While no question today is included solely for marketing purposes, business clearly has been allowed, as Arthur R. Miller puts it in his valuable study *The Assault on Privacy,* "to hitchhike on the process." Not only does the bureau make available numerous printed reports, but computer tapes can also be purchased at relatively modest prices. The uses of this information are numerous—development of advertising and promotional efforts, determination of sales potential by area, forecasting long-term trends, site selection for manufacturing plants, and targeting for direct mail programs.

Direct mail use is of particular interest. Advertisers now use small-area data in order to pinpoint likely locales for distribution of their appeals. The potential for political use of these data has not escaped the notice of bureaucrats and lobbyists. The January 1979 issue of the *American Federationist*, the magazine of the AFL-CIO, noted that one application of this technology occurred during the Missouri state referendum on adoption of a right-to-work law during 1978. While Missouri has some 2000 voting precincts, the Census Bureau has divided the state into 6000 small statistical areas. By correlating polling data with census information, opponents of the ballot proposition were able to target their telephone and mail appeals.

Census information, the bureau contends, is "handled with absolute confidentiality"; and federal law currently prohibits access to individual returns by anyone except census employees, who are sworn to secrecy. No employee has ever been formally charged with violating these restrictions, although bureau officials admit there have been some complaints over the years. The secrecy pledge is merely statutory, however; and statutes can be amended or repealed at any time. It is not surprising that over the years proposals have been advanced that would have eroded existing confidentiality guarantees. In 1942, for instance, the House Judiciary Committee urged that the records of the previous census be opened to gather information on individuals who, after Pearl Harbor, were designated "enemy aliens." A more recent proposal would have allowed local officials limited access to bureau records to help resolve disputes regarding undercounts.

Census officials, to emphasize their dedication to confidentiality, cite the bureau's 1942 refusal to provide the names and addresses of Japanese-Americans to assist the internment program. What usually goes unmentioned, however, is the fact that the bureau dispatched an official to the West Coast to help plan the Nisei evacuation, and that census statistics were crucial to the effort. The final report on "Japanese Evacuation from the West Coast, 1942" states: "The most important single source of information prior to the evacuation was the 1940 Census of Population. Fortunately, the Bureau of the Census had reproduced a duplicate set of punched cards for all Japanese in the United States shortly after the outbreak of war and had prepared certain general tabulations for the use of war agencies." The Wartime Civil Control Administration requested and received "several special tabulations of these Japanese census cards" which, "when analyzed, became the basis for the general evacuation and relocation plan."

Nor is the confidentiality pledge permanent; it is, in fact, presently limited to a seventy-two-year period, after which all reports are made public through the auspices of the National Archives. While the original forms are destroyed, copies are microfilmed and stored for a time in Pittsburg, Kansas. According to current arrangements with the National Archives, the 1900 census returns and earlier ones are now open to the scrutiny of qualified researchers.

Disclosure of earlier census responses has not been without incident. Census Bureau Director Vincent Barabba reports one incident in the 1960s in which

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mitting the government to demand that innocent citizens, unsuspected of any crime, identify themselves to anonymous enumerators provoked horror and outrage in the hearts of many of the delegates. In the bitter speeches that followed, Hamilton was accused of attempting to "restore an autocratic monarchy" which would destroy individual freedom and the sacred rights of privacy through "star chamber proceedings." As the convention dragged into July and the temperature mounted inside Independence Hall, however, Franklin's age began to tell. Thomas Jefferson, Patrick Henry, and other vigorous anti-Federalists were conspicuous by their absence, and Washington was too concerned with maintaining his dignity and the appearance of neutrality to take part in the fray. And so, on July 4, ironically enough, Hamilton's amendment finally carried by a single vote.

Once this opening wedge had been driven, the young and vigorous Federalists found it relatively easy to pour more and more amendments through the breach. The first, of course, was to require each citizen to provide the enumerator not only with his name but also with his place of abode. "Surely, if it would benefit a representative to know *who* his constituents were," contended Hamilton, "it would profit him equally to know *where* they were."

In rapid succession, the weary delegates adopted amendments forcing each citizen to disclose to the enumerator his race, how his marriage, if any, was doing, his academic record, and his date of birth—this last "in the event," as a now-cocky Hamilton said presumably in jest, "his representative might wish to favor him with a birthday card."

> To represent the views of all the people, argued Hamilton, a congressman obviously must know how many of them are lunatics.

A hitch developed when the Federalists, carried away by success, proposed that the head of each household provide the enumerator not only with this intimate information about himself, but with identical intimate information concerning every other person living under

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a Louisiana woman had been embarrassed by information in the 1880 records. They reportedly were utilized to demonstrate, he stated, that she "was not of the white race. And it was to her detriment. That was due to the census record. . . ." Barabba added: "Because we don't know of any complaints doesn't mean people have not been harmed by the release of this information."

DURING THE 1960S, THE Census Bureau jumped into the controversy over creation of a national data bank, in which computers would be able to correlate social security, tax, and other federal records. The bureau director told a 1966 congressional hearing that he favored inclusion of social security numbers on the 1970 form. Public and Capitol Hill opposition killed the proposal; and the 1980 questionnaire, like its 1970 predecessor, lacks a question regarding social security identification. The threat remains, however, that such a query may be added in the future, helping to pave the way for what one congressional committee described as "a push-button dossier on millions of Americans." Involvement of the Census Bureau, the only national agency which regularly collects data on *every* American, is essential to the establishment of a national data bank.

Concerns over these and other issues have made public opposition to the census a tradition dating back to the first tabulation in 1790. Prior to publication of the figures from that survey, President Washington conceded that the real population would greatly exceed the official returns. Many people resisted enumeration, he felt, because of obscure fundamentalist religious objections or "fears that it was intended as the foundation of a tax."

In 1940 a Vermont senator caused a major stir by openly urging "nationwide opposition" to two questions dealing with individual income. Twenty years later, William Rickenbacker published an article in *National Review* justifying his refusal to respond to non-head count questions on the long form. Convicted and given a $100 fine and a sixty-day (suspended) jail sentence, he appealed the case all the way to the Supreme Court, which refused to overturn Judge Thurgood Marshall's decision.

The first nationally-coordinated resistance, however, did not emerge until 1970. Spearheaded by the Society for Individual Liberty, a newly-organized group headquartered in Pennsylvania, opponents staged demonstrations in eighteen major cities which called for making the non-head count inquiries voluntary. Approximately 3000 persons returned "resistance cards" to SIL's Committee for a Voluntary Census indicating that they would object to or resist the census to some extent.

Until 1976, Title 13 of the U.S. Code provided that individuals who declined to answer any question in the survey could be sentenced up to sixty days in jail and/or fined $100. The jail sentence was never imposed, and in that year a coalition of conservatives and privacy-conscious liberals secured its repeal. They nearly managed, too, to eliminate the fine for non-head count questions.

Federal law protects the confidentiality of census information. But a statute can be amended or repealed at any time.

Fines have been required in a number of cases, including several in 1970 which involved constitutional challenges to the census law. However, one of those convicted, Hawaii resistance leader William Steele, later had his conviction overturned after he convinced an appeals court that he had been the victim of selective prosecution.

Although the Census Bureau determines who it would like prosecuted for noncooperation, the ultimate decision is up to the U.S. Attorneys. They will decide, in part on the basis of priorities, whether any of this year's crop of resis-

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his roof. "To force a man to testify about himself is one thing," Elbridge Gerry of Massachusetts cried indignantly, "but to demand he reveal the private secrets of his loved ones and servants is to transform us into a nation of informers!"

By now, however, the Federalist steamroller was not to be halted. After a week's heated debate, the amendment carried, along with another requiring the reporting citizen also to inform the government of precisely what his relationship might be with every other member of his household. "We feel it would be most helpful to a representative," Hamilton patiently explained, "to know if his constituents were living with their spouses, their children, their siblings, their cousins, their servants, or were taking in boarders."

"And what, may we ask," inquired Gerry, "if this tattletale citizen of yours is residing *in flagrante delicto* with some woman of questionable repute? Must he confess to the government's inquisitor that he is living in sin?"

"Not precisely," replied Hamilton. "He merely chooses the category we have provided under the heading of 'Relationship' that is labeled 'Partner, roommate' and allows the enumerator to draw his own conclusions."

(It was perhaps this provision that in the end prompted Gerry to refuse to sign the complete Constitution. Or perhaps not.) In any event, the Federalists had now hit their stride. In rapid succession, they pushed through amendments requiring each head of each household to answer half a hundred more questions about himself, his relatives, his servants, his boarders, and his partners, roommates. These questions included: (20b) how many babies the women had produced in or out of wedlock, (32f) who was an unemployed bum, (21a, b and c) how many times everyone had been divorced, (32g) who was a charity case, (33—Add entries in questions 32a through g; subtract any losses) how much money everybody made, (13c) who speaks English and how well, (17 a, b and c) what each of them was doing five years ago, and (19) who, by name, was either a cripple or had bats in the belfry.

This last stirred a brief protest. As Hamilton pointed out so convincingly, however, "In order to represent best the views of all the people, a member of Congress should obviously be informed as to what percentage are lunatics."

The last hurdle was a three-page draft of proposed questions by which the head of the household would be compelled to describe in detail the physical and financial state of the household itself. Oddly enough, these questions aroused as much resentment among the anti-Federalists as they did among those dealing with the citizens' intimate personal relations. It must be remembered, however,

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ters will go to court. Paul Burke, legal adviser to the bureau, concedes that prosecution is virtually impossible unless an individual, upon the request of a census-taker at his door, refuses to provide information. Mere failure to mail back the survey is insufficient. How would the government know, he notes, which member of the household took the form out of the mail and ignored it, or whether it was actually received at all? "We soft-pedal the penalties," a bureau public information officer told me during an interview. "As a general rule if we were to prosecute everyone from whom we don't get answers we'd be hopelessly bogged down in lawsuits."

Burke refused to concede the latter point, but bureau officials are obviously worried that there will be substantial opposition as enumeration time draws near. Last July, for instance, the bureau mailed every congressional office copies of a number of sample responses to constituents who complained about the 1980 questionnaire. And if the response to some of the pretest censuses taken earlier is any indication, the bureau may indeed be in for major headaches this spring. A 1976 test run in Camden, New Jersey, for instance, produced only a 50 percent initial return of forms. The results in Oakland, California and Austin, Texas were almost as bad. A Richmond, Virginia count was complicated by loss, misplacement, and misfiling of forms, resulting in some residents having to be resurveyed. Shortly after the Austin test, immigration officers rounded up scores of illegal aliens in a major raid.

A test run produced only a 50 percent initial return of forms, and as census time draws near, the bureau worries about resistance.

One potential roadblock still stands in the way of keeping to the bureau's 1980 schedule: a lawsuit filed last December by the Federation for American Immigration Reform (FAIR) in the federal district court in Washington, D.C. FAIR—a Washington-based group that describes itself as a "public interest, nonprofit organization" which advocates "comprehensive reform of present immigration laws and policies and an end to illegal immigration"—and several members of Congress asked for a preliminary injunction to restrain the Census Bureau from proceeding with the 1980 count unless it would agree to exclude undocumented aliens from the figures upon which it would base its reapportionment figures. Since, based on the relevant constitutional language and past congressional action, the bureau did not include a question about the legal status of immigrants in either version of the 1980 questionnaire, a FAIR victory might postpone the entire schedule for the census while new forms are prepared.

By the bureau's own estimates, its 1970 tabulation missed about 2.5 percent of the total U.S. population, or roughly 5.3 million people. That undercount can be attributed to a number of factors, including apathy, language barriers, and reluctance to provide information that, if disclosed by the bureau, would make the respondent subject to prosecution for things like housing code violations or lewd cohabitation. And, as a 1976 General Accounting Office report stated, "Questionnaire complexity could increase the undercount problem in 1980."

It could indeed, and for reasons that have nothing to do with the undereducation of the recipient. As Representative Jim Leach of Iowa notes, "All indications are that the American public is fed up with government, and one reflection of citizen ire is an increasing unwillingness to cooperate in census-taking." ❑

HOPPE

that the Revolution had been fought primarily over taxation and property rights, and the Founding Fathers were deeply imbued with the Anglo-Saxon philosophy that "a man's home," as George Mason of Virginia, the noted advocate of civil rights, succinctly put it, "is his castle."

"Exactly!" thundered Hamilton triumphantly. "And how can we expect a member of Congress to defend his constituent's castle if he does not know whether the entry to that constituent's castle is, as Question 5h so directly puts it, '(a) Directly from the outside or through a common or public hall' or '(b) Through someone else's living quarters'?"

How indeed? There was no countering the Federalists' unassailable logic, and thus the head of each household was required to inform the enumerator: how many rooms there were in his household, how much it was worth, how deeply in debt he was to his banker, how much he made selling crops, where he drew his water, and (Question H25) whether his household was equipped with (a) a one-holer, (b) a two-holer or (c) more.

Even Hamilton was hard-pressed when asked why an enumeration of the total number of holes in America's households should be in the national interest. "Frankly, we do not know," he brazenly confessed after a whispered consultation with his colleagues. "But do you not find the question fascinating?"

By now, however, it was the second week in September; and when Hamilton quickly moved to adopt in its entirety Article I and the twenty-page questionnaire it now contained, the weary delegates responded with a chorus of muttered ayes and with a scattering of feeble noes. They then went on to write, debate, and approve the remaining six articles in the following five days; and the Constitution was duly signed on September 17.

Needless to say, the Constitution has changed over the years. For example, Question H25 now asks how many flush toilets you have in your household. After all, not even our farsighted Founding Fathers could have foreseen the invention of these devices. Yet let us give them credit for the wisdom to foresee that no government could protect the inalienable rights of its citizens to freedom and privacy without knowing the most intimate social, physical, mental, and financial details of their personal lives.

So when you finally reach Question H25 on April 1, ask not what business is that of your government; ask rather, in the immortal words of Alexander Hamilton, "Do you not find the question fascinating?" ❑

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THE LIFE OF KATHERINE MANSFIELD, by Anthony Alpers. The Viking Press, 448 pp., $16.95.

Rooted in life

WILLLIAM ABRAHAMS

KATHERINE MANSFIELD was born in Wellington, New Zealand, in October 1888; she died at Gurdjieff's Institute for the Harmonious Development of Man, near Paris, in January 1923. It was the last stop in a febrile, even tragic journey, searching for health and happiness of a sort that forever eluded her. She was 34 years old. Hers was a short, sad life, too short and too sad, but not without its triumph. For she was a writer of genius, and however much one may regret the stories she hadn't the time to write—her best work came late, from which one can infer an even more splendid flowering had she lived—there exist stories enough to ensure her a permanent place in the literature of this century.

As one might guess, her stories grew quite directly out of her life (Alpers is as skillful as George Painter with Proust in discovering such connections), and so she proves a rewarding subject for biography. Not all writers do; consider the eventless "real lives" of those whimsical Oxbridge dons who escape to more exciting imaginary worlds populous with rabbits and hobbits. Indeed, the fascination of Mansfield's life is such that she is worth reading about even in a second biography by the same author. In 1954, Alpers, as a young New Zealander eager to find out all he could about the one New Zealand writer of "world class"—as she then was and still is—followed her footsteps to London and beyond, and delivered himself of the small-sized, chastely titled *Katherine Mansfield* that has been one of the few dependable sources for those interested in the facts of her life.

Now older, vastly more informed, an expatriate from New Zealand teaching at Queen's University, Ontario, he returns to Katherine Mansfield for a full-scale study of her life, her art, and her world. Doing so, he has produced one more in the growing number of literary biographies that distinguish our age. His aim has not been to revise but to supersede his youthful effort: "Except for one short scenic description and a few surviving sentences in the early chapters, it is a distinct and different biography, different for several reasons: it draws on more than twenty times as much material; it is freed from constraint in many directions." By this Alpers means that many of the friends and relations of his subject are no longer alive, and he can now say (or reveal) what would not have been tactful, or in some cases, permissible then. The result is impressive, and as a sometime biographer myself I admit to envying Alpers a little—how nice to be able to return to one's subject, and correct and enrich one's original conception—even while I admit to some wonderment at his capacity, after almost thirty years with his subject, not to have wearied of it.

Traditionally, if inexactly, Mansfield has been labeled "the English Chekhov." Alpers finds such things vexing; he does tend to be a bit prickly about the dimensions, originality, and placement of his author. (It leads him to a quite silly and predictably pointless contrast between Katherine Mansfield and Virginia Woolf, to the advantage of the former.) Myself, I would have thought a comparison to Chekhov high praise, but I believe it more apt, biographically, to bring in the case of Joyce who, like Mansfield, found exile a necessity for artistic fulfillment. Certainly, it becomes clear from Alpers, Mansfield had to leave New Zealand if she was to be a writer at all—in Wellington, there was, as Miss Stein, another exile, remarked of Oakland, "no there there."

The "there," especially in the mind of a precocious would-be writer of 18, was London—the inevitable goal for a New Zealander steeped, as Mansfield was, in English writing generally and in the decadents of the nineties in particular.

BILL OETINGER

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(How dazzled she was by Wilde's wit, how allured and scared by his "wickedness"!) And so, at 18, with a small allowance provided by her middle-class family, she uprooted herself from New Zealand, never to return (except in memory), settling chiefly in London, but spending much of her time on the continent where she did her best writing, seldom truly at ease, never truly at home.

A few months before her death she made a marvelous, heartbreaking entry in her journal: ". . . warm, eager, living life—to be rooted in life—to learn, to desire, to know, to feel, to think, to act. That is what I want. That is what I must try for."

This is moving to read, and when it was made public in the posthumous journal, inspired a generation of younger writers. Auden, for example, incorporated "to be rooted in life . . . that's what I want," along with Wilfred Owen's "The poetry is the pity" (another period touchstone), in one of his poems of the early thirties. But for Katherine Mansfield herself the injunction came too late, except as she had already allowed herself to seek out for her art the New Zealand from which she had exiled herself—and it seems inarguable that the New Zealand stories, "Prelude," and "At the Bay," written toward the end of her life, are her greatest achievements.

BUT LONDON WAS THE wrong place to put down roots: She was the girl from New Zealand, provincial, not at home, condescended to. Wyndham Lewis's remarks about her are horrifying to read; so too the vile abuse flung at her by D. H. Lawrence. The set to which she was closest—the world of Orage, the *New Age*, Koteliansky, and that ill-tempered envious bitch Beatrice Hastings—Virginia Woolf described snobbishly but not inaccurately as the "underworld." One wonders about Mansfield's voice. Did she speak with a "New Zealand" accent? Oddly Alpers, so generous with particulars otherwise, fails to tell us. And it is not a trivial question, for the English, as we know, attached great importance to such things.

And then there was her "childlike" marriage to John Middleton Murry. Despite Alpers's heroic attempt to be fair to him, one can't help concluding Katherine Mansfield had chosen wrongly. By marrying Murry, she was in no sense rooting herself in life. Yes, Murry may have been treated cruelly by Lawrence, by Huxley, by the London literary world, by Mansfield herself—but did he not (unconsciously, of course) ask to be treated badly, just a little? And doesn't Orwell's contemptuous dismissal of him as "a creeping Jesus" have the faintest plausibility? Certainly, Murry cuts a better figure as a widower than a husband, devoting himself to Mansfield's memory and her posthumous works with a care that he seldom showed her when they were physically together.

Possibly Katherine Mansfield would not have allowed it—may have willed him (again, unconsciously) to behave towards her as flaccidly as he did. For there is little doubt that in uprooting herself from New Zealand she also uprooted herself from something in her nature that frightened her, that may have been "essential" to her all the same and, when denied, warped her, twisted her—in relation to Murry and to the other men with whom she had brief, unhappy liaisons.

Perhaps the most startling "new material" in this new life has to do with Katherine Mansfield's early lesbian attachments, fully acted out, and described by her with a passion that would not be heard again from her in precisely these terms: "Last night I spent in her arms, and tonight I hate her—which, being interpreted, meaneth that I adore her: that I cannot lie in my bed and not feel the magic of her body. I feel more powerfully all those so-termed sexual impulses than I have with any man . . . pillowed against her, clinging to her hands, her face against mine, I am a child, a woman, and more than half a man." And later, of another girl: "I want her as I have had her: terribly. This is unclean, I know, but true."

Guilt was inevitable—we are talking of the early years of the twentieth century, less than a decade after the Wilde scandal and the "love that dare not speak its name." And Alpers invokes that "guilt"—convincingly, I think—to explain Katherine Mansfield's hasty, unconsummated, short-lived marriage to George Bowden in London in 1909, not long after her escape from New Zealand. But what, one ventures to think, could have been less "normal" than the oddly brotherly-sisterly, Wig-and-Tig sort of wee little marriage she entered into with Murry, and which Huxley would satirize so devastatingly in *Point Counterpoint*? And wouldn't Lawrence, with his supernatural sensitivity to the relations between men and women, have apprehended—wouldn't the "dark gods" have told him—what was going on? Grounds enough, then, for his ultimately vile explosion to poor Katherine Mansfield. (Which is not to discount, either, Alpers's theory that Lawrence wrote to her out of jealousy and frustration, being in love with Murry himself.)

I turn back to the Joyce comparison—again, only for the biographical advantage. Both he and Mansfield were exiles; but Joyce, from the beginning, made a solipsistic world in which he could comfortably function. Whether in Zurich or Paris, Dublin was with him as his subject. He had gotten free of the actual Dublin by uprooting himself from it; but the city was his, and he took imaginative possession of it from the beginning of exile. Mansfield, responsive to the world around her, attempting a whole new life, had to wait almost to the end—when she was uprooting herself for the last time—for a comparable revelation. The New Zealand she transformed into art is populated with parents, and grandparents, and children, and servants—all brought wonderfully alive. Yet there is a notable absentee from that cast of characters: the gifted, passionate young girl who cries out, "I am a child, a woman, and more than half a man." For her, one must look in this splendid biography. ❑

NEMESIS AT POTSDAM: The Anglo-Americans and the Expulsion of the Germans—Background, Execution, Consequences, by Alfred M. de Zayas. Routledge and Kegan Paul, 268 pp., $7.95 (paper).

Moving Poland westward

GEOFFREY WHEATCROFT

*THE GREAT TIDE OF MI*grating peoples flowed into Europe through early modern times. Then it stopped, and then it ebbed. At the end of the ninth century the boundary between the Germans and the Slavs who were pushing them westward was the Elbe and the Bohemian Mountains. Gradually the Germans moved back eastward: to Brandenburg

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by the tenth century, Pomerania by the eleventh, Silesia by the twelfth. By the end of the Middle Ages these provinces, as well as East Prussia—which was conquered by the Teutonic Knights and settled by Saxon peasants—and the circle of woodland and mountain facing inward to the Bohemian plain, were inhabited predominantly by Germans. There were also German settlements throughout Eastern Europe: large pockets in Transylvania and the Banat of southern Hungary, smaller ones everywhere. As the saying went, you could drive from Regensburg to the Black Sea in an ox-cart and spend every night in a German village.

Something like 15 million people were expelled from their homes with the greatest brutality.

Most of the German lands in northeastern Europe were eventually absorbed by the German state. The Kaiser's—or Bismarck's—Second Reich ran uninterrupted from the Rhineland to Königsberg and the borders of Lithuania. Posen and the "Polish Corridor" and the tip of Upper Silesia were lost to the reborn Polish state after the First World War but were, with Austria and Bohemia, incorporated into Hitler's Third Reich.

The scene is set for the story told in Alfred de Zayas's book. In 1941–45 was fought the greatest and, it must be hoped, the last of the wars between Teuton and Slav. The Slavs won. In the aftermath of war Poland seized East Prussia, Further Pomerania, the Neumark of Brandenburg, and Silesia—the lands lying between the German frontier of 1937 on the east and the line of the Oder and Lusatian Neisse rivers on the west. The German population of this territory, more than 12 million people, was expelled, in a last great forced migration westward. And, at the same time, between 2.5 and 3 million Germans from Bohemia and Moravia (the misnamed "Sudetendeutsche"), one-fourth of the prewar population of Czechoslovakia, were expelled by the victorious Czechs.

Neither the seizure of territory nor the expulsions had been an Allied war aim. These acts ran directly counter to the Atlantic Charter, which sought "no aggrandizement territorial or otherwise" and not "any territorial changes that do not accord with the freely expressed wishes of the peoples concerned." It was claimed by the Russians and their Polish clients that the western lands would "compensate" Poland for the territory east of the Curzon line that was lost by Poland and incorporated, like it or not, into the Soviet Union.

This argument was as nonsensical as it was unprincipled. Lord Curzon had drawn his line along the ethnic boundary. The territory east of it was inhabited by White Russians, Ukrainians, and Lithuanians. Poland had no ethnic claim to the territory in the west. Stalin's real motive—he was not a man who cared much for the niceties of national self-determination—was to keep all frontiers moving westward.

The Western Allies disapproved of the transfer of territory and of peoples. At least they disapproved of it to begin with, and up to a point. De Zayas explains how the twin principles came gradually, almost by stealth, to be accepted. Churchill was characteristically erratic. "Personally, I thought Poland might move westwards, like soldiers taking two steps 'left close,'" was how he described his feelings at the time of the Tehran conference in 1943. In May 1944 he publicly refused to guarantee that Germany "will not undergo territorial changes if it should seem that the making of such changes renders more secure and more lasting the peace in Europe."

Later he commended the example of the "disentanglement of populations which took place between Greece and Turkey in the 1920s," though an English observer of that earlier transfer of population had said that "it involved an appalling amount of misery and hardship"—which was at last to dawn on Churchill. The United States government had no settled policy for postwar Europe, only such bizarre and transient schemes as the Morgenthau Plan for making the Germans into "a peaceful, pastoral people."

The Potsdam conference was held in the summer of 1945. The Anglo-Americans tried to resist Soviet proposals for frontier readjustments and movements of population, about which, Churchill now said, "the British have grave moral scruples." It was too late. They scrupled in vain. In the end the Potsdam protocol recognized that "the transfer to Germany of German populations . . . remaining in Poland, Czechoslovakia, and Hungary will have to be undertaken," and added that the transfer "should be effected in an orderly and humane manner."

*HENCE DE ZAYAS'S TI*tle, and his misleading subtitle. He tries to affix on the British and American governments a greater part of the blame for what ensued than they deserved. Badly as they behaved much of the time, it is wrong to conclude that it was "undoubtedly Anglo-American adherence to the principle of population transfer that made the catastrophe of 1945–48 possible." As he rightly says, there was a strong tendency during the war to think in terms of the collective guilt of the Germans, which had to be atoned for by collective punishment. But this was not an official Anglo-American policy. It cannot be used as a blanket explanation.

KÄTHE KOLLWITZ

De Zayas makes a fundamental mistake, common among Cold Warlike historians, and a convenient one for his argument. That is, he exaggerates the extent to which Roosevelt and Churchill, Truman and Attlee, were duped by Stalin at Tehran, Yalta, and Potsdam. The uncomfortable truth is that everything that happened in Eastern Europe was an inevitable result of the Grand Alliance. The Red Army did most of the fighting against National Socialist Germany. If and when Hitler lost the war half of Europe was bound to fall into Stalin's hands, and there was then little the Western Allies could do about the way he disposed of it. In the last years of war and the first years of peace the Anglo-American leaders went out of their way to avoid falling out completely with Soviet Russia. That was not from discreditable motives. To speak of the "unwitting consent of the Western pow-

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ers" to the policy of expulsions, as de Zayas does, is to miss the point, which is that in the end they were impotent to prevent it.

They were just as powerless to determine the way in which the expulsions were carried out. This proved to be an obscene travesty of the "orderly and humane" instruction of Potsdam. There may be argument about the principle of readjustment of frontiers, and even of the transfer of populations. There can be none about what was done to the eastern Germans, which constitutes one of the great crimes of the century and one of the "last secrets." Something like 15 million people were expelled from their homes with the greatest brutality. More than 2 million died in the process.

Many Germans fled before the advancing Red Army. Maybe they were the sensible ones. Whereas the American and British troops in Western Europe and western Germany behaved well by the admittedly not high standards of occupying armies, the behavior of the Russians was such as Europe had not seen for centuries. Solzhenitsyn's *Prussian Nights* gives a taste of it. There was pillage; there was slaughter. Every woman of rapable age was raped, usually many times.

The inevitable flight in panic was followed by "wild expulsions" in 1945. But even the later, ostensibly supervised expulsions were carried out in horrible fashion, the victims crammed onto cattle trucks for interminable railway journeys. There had been spontaneous massacres here and there, but most of those who died were victims of disease and starvation. Most of them were women and children. De Zayas tells this dreadful story in a factual and on the whole sober way. It is well that this great crime should have been recorded.

But there is more to be said than that about his rather curious book. He tells the story from the German point of view, which is all to the good since the German case has, not surprisingly, gone unheard outside Germany in the postwar years. (Not so before the war: In the course of pleading the case of the Sudeten Germans, de Zayas quotes from a somewhat foolish article in support of them by Arnold Toynbee. It is implied that Toynbee's was a lone voice. As de Zayas should know, in England in 1938, beyond a small, politically aware circle, both enlightened opinion and broader public opinion favored the German side, as was also the case in France. That was the whole point about Munich.)

NOR DOES HE MERELY take the German side. Consciously or unconsciously, de Zayas, who is an American lawyer, advances the conservative, nationalist, revisionist point of view. This prejudice shows up in various ways, small and large: in the arguments he advances, in the choice of illustrations and their captions, even in his terminology. Take a small example: We all know that in today's confused world, from South America to Ulster to the Middle East, one man's guerrilla is another man's murderer. It is startling all the same to read a casual reference to the assassination of Reinhard Heydrich in May 1942 "by Czech *terrorists*." (Emphasis added.) Well, well. And I had always thought of them as brave resistance fighters, and of Heydrich as a monster.

It is in dealing with Czechoslovakia that de Zayas's one-sidedness (I will not say tendentiousness) is most glaring. He quite rightly thinks the expulsions criminal. He also, and also rightly, does not think that they were justified by the greater crimes of National Socialism: There can be no collective crime, guilt, or punishment. It is another matter to pretend that there were not two sides to the confrontation of German and Slav, to ignore, or to distort, the historical background. Getting the history right does not mean condoning the crimes: To understand the historic oppression of the Irish is not to excuse the present outrages committed in the name of Irish republicanism. An example of how de Zayas can be misleading: "The Czechs," he writes, ". . . had in fact enjoyed a liberal degree of autonomy throughout their history. . . ." Imagine a writer—to continue the comparison—claiming that the Irish had "enjoyed a liberal degree of autonomy throughout their history." In fact, in the two centuries after the Czechs were crushed at the Battle of the White Mountain in 1620, they enjoyed about as much liberal autonomy as the Irish after the Battle of the Boyne. All emergent nations, the Czechs included, start by rewriting his-

BIRTHDAY CARD

TIMOTHY DEKIN

The family in the car, singing for hours,
Four voices in one voice, years flashing by,
Lives other than your own becoming yours,
The destination merely an excuse
For the warm pressure from a shoulder, thigh;
Guarded affection gone, and open sky:
This is the memory your son keeps of you.

Soon he will know what makes a family last,
Those other times: anger churning to foam
That drained back in apology as fast;
Love working hard concealing what it cost,
Pretending it's already safe at home—
Reaching beyond yourself so you'd become
That self which all along they loved the most.

Soon he will marry, then may he disclaim
That household of confusion; never find
His children lost except in harmless games,
Nor brood about how he might get away;
Of what he's missing, all he's left behind,
But give himself to them, and aging, find
They honor him, as he does you today.

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tory. That does not mean that it subsequently requires re-rewriting.

And as de Zayas is capricious in dealing with the past, so he is disingenuous, at least, in dealing with the present and the future. Of course, historians should try to tell the truth without concern for the consequences. But there is no point in pretending that history books do not sometimes have consequences, that they never point a message. De Zayas must know by now that his book has been a great hit with Herr Axel Springer's right-wing revisionists, and not only with the right-wing revisionists, for copies of the British and German editions of this book are to be found in the embassies of the Bundesrepublik throughout Eastern Europe.

To come to my point: De Zayas and Springer think that the expulsion of the 15 million Germans was a great crime. So do I. They regard the Oder-Neisse frontier as an open question. I regard it as closed. Perhaps I am unjust to de Zayas, but his last chapter is strikingly ambiguous. He rightly says that "we cannot undo the damage inflicted at Potsdam," and that "the majority of German expellees realize, of course, that they shall never be able to go back to the lands where they were born." But he adds that "the German expellees have not abandoned the hope of one day recovering at least part of their lost homeland." Does this not conflict sharply with Brandt's recognition of the Oder-Neisse frontier (of which de Zayas ominously comments that he "did not possess the legal competence to make final determinations in these areas")?

I am far from wishing to seem cynical or brutal, but though the eastern territories were certainly once German they are now certainly Polish and Czech. It is paradoxical for de Zayas to admit that Silesia and Pomerania had been inhabited by Slavs before the Germans but to deny implicitly that they have now become Polish again. Macaulay's sensible rule about the ownership of land applies (he was writing of Ireland): whether "injustice had or had not been committed was immaterial. . . . Just or injust [it] had taken place so long ago, that to reverse it would be to unfix the foundations of society." The last great migration of peoples in Europe was certainly terribly unjust. We can hope that it really was the last. But we should not encourage hopes that it will be reversed. If we want to do something about crimes against humanity there are quite enough going on at the moment where protest might even avert their course.

THEATER

***OKLAHOMA!*, Music by Richard Rodgers. Book and lyrics by Oscar Hammerstein. Directed by William Hammerstein.**

A bright golden haze

STEPHEN HARVEY

AS IS CUSTOMARY WHEN a show business figure of rare stature dies, the passing of Richard Rodgers was marked by an array of solemn, respectful eulogies summing up his prodigal accomplishments during a six-decade-long career in the musical theater. Yet pragmatic man that, by all accounts, he was, Rodgers would doubtless have been most gratified by the tribute paid by all the anonymous theatergoers who have been patiently queuing up at the box office of the Palace Theater ever since the revival of *Oklahoma!* opened there in mid-December. It was almost preternaturally apt that precisely this show should have been chosen for resuscitation at such a moment; after all, following twenty years of enrapturing the elite with a series of shows written in collaboration with that urbane smarty Lorenz Hart, it was with *Oklahoma!* that Rodgers first joined forces with that cockeyed optimist Oscar Hammerstein in 1943, and thenceforth shared with Irving Berlin the rank of the nation's unofficial composer-laureate.

Under the circumstances (even while watching this carefully mounted production burst into life) it's hard right now to see *Oklahoma!* as an individual entity. On the night I caught up with it early in January, most of the audience seemed to be basking in a haze of retrospective gratitude from the moment they took their seats. Certainly, everyone involved with this *Oklahoma!* revival has done his painstaking best to make sure he won't let all those memories down, and no wonder, considering the lineage of the craftsmen behind the scenes. The present director is William Hammerstein, son of Oscar, while Agnes De Mille's dances have been recreated by De Mille's long-time protégée, Gemze De Lappe, the dancing Laurey in the original London production; and the 1980 musical conductor, Jay Blackton, is the same man who lifted the baton at the show's première the first time around. In fact, any newcomer to Rodgers and Hammerstein in the audience who might somehow be expecting to see a newfangled, streamlined musical could find this determined fidelity something of a mixed blessing. Clocking in at nearly three hours, this revival contains every note of the original score, including two songs so obscure that they were omitted from the film version and have never been recorded before, not to mention every mossy gag propping up the subplot, whose value as comic relief now seems purely theoretical.

However, for musical comedy pedants like me, no other approach could have passed muster. If it's worth redoing, then it might as well be done exactly as originally intended—after all, does the Met tamper with the boring bits in *Tannhäuser*? Yet while the show may be changeless, our perspective is not, and, ironically, for all the elements which seemed so fresh and daring when Curly first strode manfully on stage thirty-seven years ago, what really shines through *Oklahoma!* is its expert synthesis of the hallowed fundamentals of the Broadway musical which date back at least to the days of Jerome Kern's intimate Princess Theater musicals of the 1910s. *Oklahoma!*'s allegedly trailblazing properties were always a rather oversold commodity anyway: Rodgers and Hart's *Pal Joey* (with an assist from John O'Hara) peopled the stage with characters of considerably more complex dimensions than most of the folks you meet up with on Hammerstein's prairie, and its songs were no more or less integrated into the plot than are *Oklahoma!*'s. For that matter, way back in 1936, the earlier team's *On Your Toes* had as its centerpiece a full-fledged mini-ballet ("Slaughter on Tenth Avenue," choreographed by George Balanchine), with-

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out finding it necessary to be so portentously solemn, either.

Oklahoma!'s dramatis personae deviate from the stock stable of musical comedy types populating Broadway's stages for eons prior to 1943 primarily in the quaint regional accents they employ. Surrounding the obligatory pair of vocalizing lovers is the troupe you'd expect: the caustic but warmhearted elderly comedienne (Aunt Eller), the dancing second lead (Will Parker), the innocently man-crazy soubrette (Ado Annie), and the wily ethnic comic (that Levantine itinerant peddler, Ali Hakim). If musical comedies per se had little use for scheming, leering villains like Jud Fry, the operetta stage was teeming with them, as Hammerstein well knew, having created more than his share in his pre-Rodgers days. As for our sparring hero and heroine, Curly and Laurey, their genealogy goes back at least to Shakespeare, who likewise knew a surefire gambit when he wrote one: If *Much Ado about Nothing* is about anything, it's the bittersweet plight of this likely couple too filled with pride to admit their true feelings to each other.

What makes *Oklahoma!* at its best so irresistible is the blithe way it reanimates these archetypes within a pleasantly jerry-built, casual little plot and then transcends the whole thanks to the endlessly resplendent score. There's no plausible dramatic reason why practically every inhabitant of the Oklahoma Territory should come calling at Aunt Eller's little farm during Act One, Scene One, and the book makes only the faintest stabs at explaining away all these entrances and exits—the cowhands and farmgirls are there to unburden themselves of a few songs at the appropriate intervals, that's all; and when the tunes in question are as spirited as "Kansas City," as lilting as "Many a New Day," or surge with the lyrical propulsion of "People Will Say We're in Love," who's going to cavil? You're also reminded how canny a wordsmith Hammerstein really was when you hear these lyrics in context once more—his self-effacing fausse naiveté makes it seem as though you've never heard quite those feelings expressed in song before, so unerringly direct and deceptively simple is his manner of conveying them.

Oddly enough, what was cozily familiar about *Oklahoma!* even in 1943 hasn't lost a bit of its charm, whereas the terribly up-to-date somber overtones—the very stuff which supposedly elevated the tone of musical theater for good and all—are something of a trial today. And because we've been reminded of how galvanizing and innovative the De Mille dances were—lately, especially by that ageless and indefatigable self-promoter, De Mille herself—it's dismaying to discover how self-conscious and secondhand they really look now. The spirited, sprawl-legged tug-of-war between farmers and ranchers at the start of Act Two is indeed a superlative example of musical comedy flash with just the right hint of folksy verisimilitude. But whenever De Mille discards unpretentious fun for Meaning, a faint sense of embarrassment sets in. Having gladly suspended disbelief long enough to accept these Broadway chorines as prim territorial maidens, you still can't help wondering why these rustics are pattering about in ballet slippers during the dance reprise to "Many a New Day" when we haven't even reached Dream Balletland yet—the stylistic gears have lurched into a new phase far too abruptly. The "Laurey Makes up Her Mind Ballet," the Act One pièce de résistance, punctuated with its fervid, grandiloquent mimed gestures—all those rigid arms waving distress signals at the ominous heavens—is like Martha Graham diluted with sarsaparilla, coupled with the kind of kitsch adagio stuff we used to get from the Radio City Music Hall corps de ballet. Its banal affectations make it impossible to take seriously as ballet, while it is condescending to musical comedy to proclaim, as many have, that Broadway was somehow exalted by its contact with the likes of this.

This first act climax, so to speak, intends to distill without words Laurey's basic conflict—to wit, will she opt for pure love or base Id? In the world of Lorenz Hart, love was sex mixed with rue, and too important a matter for adults to take too soberly. In the allegedly more wholesome sphere of Oscar Hammerstein, sex is now Something Nasty (literally in the woodshed), personified by Jud, with his filthy hands and smutty pinups. This sort of "mature" pseudo-Freudianism looks far more naive now than anything in the giddier Rodgers and Hart canon from the thirties. At the same time, the intrusion of Jud's death toward the end, once so startling, today seems positively callous—what's the point of introducing such a tragic note only to whiz by it in three minutes flat so the ensemble can rush on stage for the upbeat finale? As it turns out, Rodgers and Hammerstein never really managed to weld the ponderous plot to their entrancing score very successfully after all. In fact, there's so much serious business to take care of that you only get to hear three new songs during all of Act Two.

With the exception of Laurence Guittard, who was far more comfortably cast a few years back as the lecherous cosmopolite count in *A Little Night Music* than he is in Curly's chaps and Stetson, the current cast makes the most of the show's considerable strengths, while letting *Oklahoma!*'s longueurs pass by as palatably as possible. Mary Wickes (the acidulous nurse in all those forties Bette Davis movies) serenely underplays crusty, goodhearted Aunt Eller to delicious effect, while Christine Andreas is a nonpareil Laurey. Past Laureys were for the most part bland creatures who apparently aspired to be chosen Miss Congeniality when (if ever) they grew up. Not so Andreas, who is sturdy, plucky, and willful in the best pioneer fashion, venting the more plaintive side of Laurey's nature with the most soothing lyric soprano heard on Broadway since Barbara Cook's ingénue days.

Thanks to such capable people, a bright golden haze still settles over *Oklahoma!* after all these years. Now if somebody would get around to the still sharper, sprightlier legacy left by Rodgers and Hart (how about *The Boys from Syracuse* for a start?), the theater's memorial tribute to this Broadway master would be really complete. ❑

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Memoirs of Humboldt County

J.S.

BILL HAS LIVED WITH HIS lady on the Ridge for three years. Last summer he was often to be seen in the old school bus, parked a few miles down the road. The people of the Ridge intended the bus to be a lookout post; mostly it was just a party. It was parked at the four corners at the top of the hill, from which point a rocky road winds its way for a mile and a half down to the county road. There, someone in an old pickup usually kept in touch via CB radio. In the early morning, as people who had CBs at home checked in with each other, there was likely to be a lot of chatter. Were there any fires? Who had the school car pool today? What was happening down the road? Busts usually started early. It generally took the county sheriffs a couple of hours to drive the 60 miles from Eureka, then sometimes the whole day to search the land for the gardens, hack down the tall plants, and haul them along creek beds and deer trails to the trucks. It's hard work, this legal larceny.

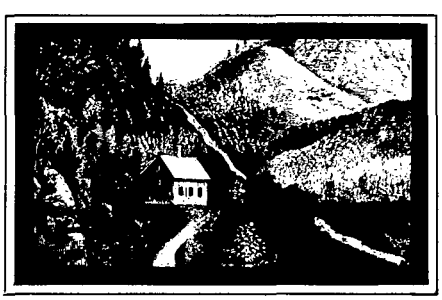
When the sheriffs stormed the Ridge for the first time, in October 1978, the four-wheel-drive Broncos reached the school bus blocking the road in record time; Bill and his neighbors were impressed. They were also impressed when they heard later how the sheriffs and DEA agents had surrounded the hastily deserted bus, automatic weapons ready. It was sad, though, to hear how the deputies had pushed the bus down the steep road where, luckily, it slid into a ditch. But by then it was too late for the deputies. In the near distance, and farther along the Ridge, the high-pitched whirr echoed as chain saws bit into the heartwood of tan-oaks and the blood-red trunks of madrone trees.

Instead of continuing on up to the Ridge, the lawmen went straight to the lower part of the watershed. Supposedly, they had warrants for that area anyway—but the fact is that they could have driven along any of the winding roads and filled their vehicles with the plants they would have found there. They knew that. Everyone in Humboldt County knows that.

Unhappily for Bill and many of his neighbors, the tree-felling tactic only left them with a lot of dead trees blocking their one road, and a guilty conscience to boot. Humboldt is one of the most rapidly eroding counties in the United States, and "counterculture" types like Bill have been raising Cain about the logging practices that have caused the erosion. It was downright embarrassing.

There were neighborhood meetings on the road that week. Everyone agreed that cutting down trees was irresponsible—and dumb, because the sheriffs knew how to use chain saws, too.

That week a plane flew so low over Bill's house he could practically tell you the brand of cigarette the pilot was



smoking. The appearance of the plane rekindled the paranoia that had broken out earlier in the summer, when a Huey-type helicopter swirled up and down the watershed for most of an hour. Some neighbors said it was the California Department of Forestry fire chopper, which is often seen during the dry summer season. But it wasn't the right color. Some said it was a Louisiana Pacific chopper. But LP had no business in the area. Some thought it was a drunk or a madman—he was lucky he didn't get shot at, fucking around like that just before harvest. Many people panicked and cut down their immature plants—at a considerable loss.

Bill observed the plane; then he watered and fed his rabbits. It had been a hot summer. It would be a hot harvest season. That was great for the plants. But it was lousy on the nerves.

Ten days later, before dawn, you could hear the plane circling the Ridge again. Then the whirr of chain saws. Then you could see the string of fifteen Broncos threading along the hillside. The plane circled for ten hours, while the sheriffs went from garden to garden. They cut up water lines and holding tanks, took water pumps and various tools, and snipped off many of the best buds. They also took all of Bill's plants—nine months' worth of hard work—and threw his lady out of the garden when she went to ask them just what the hell they thought they were doing. They arrested his land partner, Ken, an ex–school principal in his late fifties. When they got to his house, Ken attacked them with a copy of the U.S. Constitution and advised them of their rights which, since they had no warrant, he considered to be strictly limited. A neighbor half-jokingly asked the sheriffs, via CB, just how he was going to be able to send his kids to college if they took his crop. "Well," rasped the radio in reply, "There's always next year. . . ."

THERE ARE, OF COURSE, as may angles from which to view this lifestyle—this distinction of ours as sinsemilla growers—as there are people viewing it. But the fact is that living in these woods comprises much more than just growing a highly marketable herb. After one's first year of total dedication to the almighty crop, cultivating it becomes but one aspect of a busy life. A central task, certainly—it is our occupation, our art, really, considering the expertise and painstaking labor involved in producing the flowers with aesthetic characteristics (size, scent, color, taste) as important as their primary use. If all you do is lay around singing "Desperado" to yourself, your homestead will fail. And it is a home that most of us seek; that is the real end to which the growing of an illegal herb is the means. Contrary to the implications of reports in the media, the people own old pickups, not Mercedeses. They don't drink champagne, just homemade beer. There are indulgences, but most of the money goes back into the homestead.

And it isn't always the "simple life," either physically or mentally, that some would associate with living in the coun-

J.S. is a writer and sinsemilla grower living in Humboldt County, California.

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try. To be sure, we enjoy the rewards of being self-employed. Our time is our own to schedule, our defects in self-discipline our own to suffer for. Buying land, constructing buildings on it from available materials, developing water and energy sources, raising our own food, maintaining our own roads in concert with our neighbors: It's as if the state did not exist. But add to that list some further complications: the need to be an active member of an informal community which, because of both logistics and the insistence on quality, must educate its own young in a curriculum of its own design; a preference for health care of a kind not always acceptable to the AMA; and the difficulties that arise in a community of willful individualists and eccentrics who find themselves, for better or worse, in sudden interdependence; and you are apt to be about as "laid-back" as a contender in the Olympic decathlon.

Of course, it is beautiful country. The meadows and oak groves are traversed by families of deer and patrolled by ravens and hawks. It is pastoral and serene. There is always time to observe the timeless in nature. To play. To relax in a hammock beneath the oaks in the heat of the day. To contemplate the evening's chores. To listen to the planes circling in the distance.

Humboldt County is logging country. It is the Redwood Empire, approximately 40 miles wide and 100 miles long, and most of it is under the control of the federal government—the National Park Service and the Bureau of Land Management—or worked by the big companies like Louisiana Pacific and Pacific Lumber (the town of Scotia, in fact, has the dubious distinction of being one of the last real company towns in America). The area has been economically depressed, for it has been a resource colony for the rest of the country, and its resources have diminished dramatically. Much of the population now exists on welfare, or social security, or the undependable largesse of a dwindling tourist trade.

In the late sixties young people from the bay area began buying up the land abandoned after the hills had been denuded of the redwood and fir. They started growing pot, developing exotic strains of cannabis suited to the excellent climatic conditions there. It was a good way to make land payments. Land values went up. They are still going up. In logging boom days, every block in the town had a saloon; now every corner has a real estate agency. The failing Humboldt towns are beginning to boom again. The merchants aren't always courteous to the "hippies," but though it is hard for some of them to accept mores and styles of life that are foreign to them, it is almost impossible to ignore the economic benefits. At harvest time, the manager of the local Bank of America branch is absolutely beaming; you'd almost expect him to be handing out cigars.

IN 1978 STEVEN BALL WAS busted for cultivation. His attorney, Robert Cogan, presented an unusual case. He noted that the type of marijuana that had been legislated against was the hemp plant common to roadsides of the midwestern United States, *Cannabis sativa*. Cogan arranged to have a botanist testify that Ball's plants were grown from seeds endemic to the Middle East, *Cannabis indica*—not illegal under California law. The botanist testified that there are, in fact, three separate species of cannabis.

The charges were dismissed.

After the Ball case, there was a revival of the movement in the state legislature to make all cannabis strains illegal. The legislature sat on the proposal, as it had some years before.

Like the merchants of southern Humboldt, who are satisfied with a few symbolic busts, the legislature doesn't seem overly eager to expand its laws against a plant that the public seems, more and more, to be accepting as a part of American life. In Alaska, for instance, not only has possession been decriminalized, but cultivation for private use is allowed, though the law does restrict cultivation to three plants per person. It's hard to believe, however, that anyone up there is actually counting.

The Humboldt County sheriff's department, aided by the DEA, still makes raids. They took Bill's plants, despite the strain of seeds he used. But now they shy away from making arrests; successful prosecutions are rare, and the process is prohibitively expensive. The idea now seems to be to discourage the more flagrant growers by hitting them where it hurts—in the pocketbook—by simply confiscating the fruits of their labor. But with prices for sinsemilla climbing up to between $1400 and $2000 a pound, no one needs to grow so obviously anymore. Bill may grow between four and ten plants next year (figuring three-fourths of a pound per plant). Like farmers anywhere, he can't be sure what his yield will be. One thing he knows for sure: He won't be subsidized. The idea wouldn't appeal to him anyway.

Humboldt County has found itself in the national limelight. Ironically, those who fled the cities for the freedom of the hills of northern California have discovered that the state's rip-off artists won't let them be. On the Ridge, we expect the planes that fly the grid patterns over our lands, photographing our homesteads with infra-red cameras, by early July. ❑

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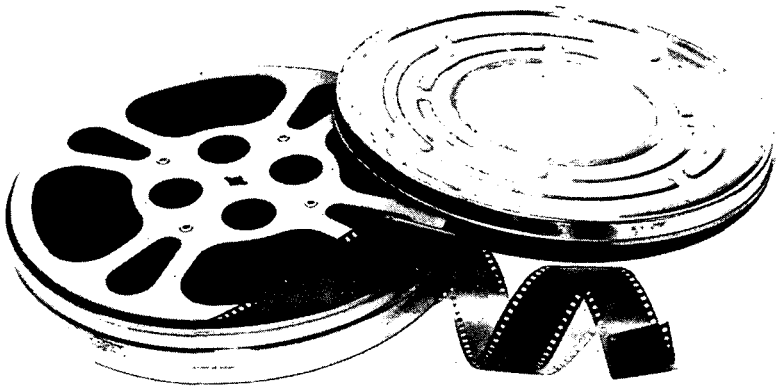

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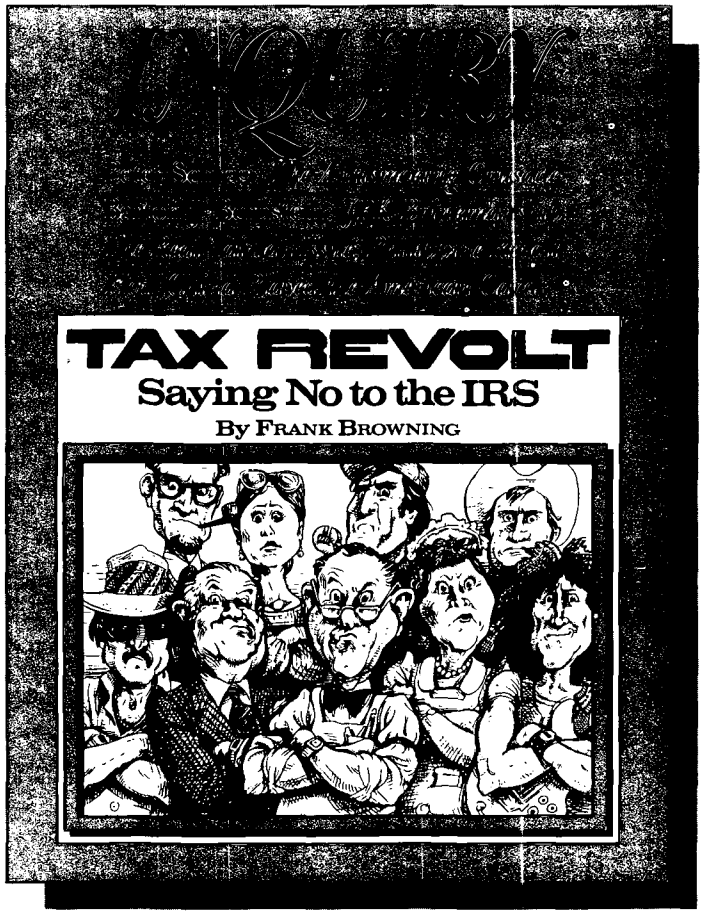

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